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United Nations

# United Nations Environment Programme

## Report of the Governing Council

**Twenty-fifth session (16-20 February 2009)**

## General Assembly

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# United Nations Environment Programme

## Report of the twenty fifth session of the Governing Council/Global Ministerial Environment Forum

**(Nairobi, 16-20 February 2009)**

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*Note*

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## Introduction

1. The twenty-fifth session of the United Nations Environment Programme (UNEP) Governing Council/Global Ministerial Environment Forum was held at UNEP headquarters, Nairobi, from 16 to 20 February 2009.

# I. Opening of the session (agenda item 1)

2. The session was opened at 10.10 a.m. on 16 February 2009 by the master of ceremonies. Prior to the delivery of opening statements, a Kenyan acrobatic troupe gave a performance, which was followed by a screening of a video entitled "Towards a global green new deal", to inform participants of the current aims and objectives of UNEP.

3. Opening statements were then delivered by Mr. Roberto Dobles Mora, outgoing President of the Council/Forum; Ms. Angela Cropper, Deputy Executive Director of UNEP, on behalf of Mr. Ban Ki-moon, Secretary-General of the United Nations; Ms. Inga Bjork-Klevby, Deputy Executive Director of the United Nations Human Settlements Programme (UN-Habitat) on behalf of Ms. Anna Tibaijuka, Executive Director of UN-Habitat and Director-General of the United Nations Office at Nairobi; Mr. Achim Steiner, Executive Director of UNEP; and Mr. Mwai Kibaki, President of Kenya.[1]

# II. Organization of the session (agenda item 2)

## A. Attendance

4. The following 54 States members of the Governing Council were represented: Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bangladesh, Belgium, Benin, Botswana, Burundi, Canada, Chile, China, Colombia, Congo, Costa Rica, Cuba, Czech Republic, Democratic Republic of the Congo, Fiji, Finland, France, Germany, Guinea, India, Indonesia, Iran (Islamic Republic of), Israel, Italy, Japan, Kazakhstan, Kenya, Mali, Mauritius, Mexico, Monaco, Netherlands, Niger, Pakistan, Republic of Korea, Romania, Russian Federation, Saudi Arabia, Serbia, Somalia, South Africa, Spain, Thailand, Tunisia, Uganda, United States of America, Uruguay.

5. The following 96 States not members of the Governing Council but members of the United Nations or members of a specialized agency or of the International Atomic Energy Agency were represented by observers: Albania, Armenia, Bahrain, Barbados, Belize, Bhutan, Brazil, Bulgaria, Burkina Faso, Cambodia, Cameroon, Central African Republic, Comoros, Côte d'Ivoire, Cyprus, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Gabon, Gambia, Ghana, Greece, Grenada, Guatemala, Holy See, Hungary, Iraq, Jamaica, Jordan, Kiribati, Kuwait, Kyrgyzstan, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Lithuania, Madagascar, Malawi, Malaysia, Maldives, Marshall Islands, Mauritania, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Nigeria, Norway, Oman, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Timor-Leste, Togo, Trinidad and Tobago, Turkmenistan, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

[1] A fuller account of the discussions of the Governing Council/Global Ministerial Environment Forum at its twenty-fifth session, including summaries of the opening and general statements and of the Council/Forum's deliberations on the substantive issues before it, is contained in the proceedings of the session (UNEP/GC/25/17).

6. An observer for Palestine also participated.

7. The following United Nations bodies, secretariat units and convention secretariats were represented: Barcelona Convention, Basel Convention on the Transboundary Movements of Hazardous Wastes and their Disposal, Convention on Biological Diversity, Convention on International Trade in Endangered Species of Wild Fauna and Flora, Convention on Migratory Species, Convention on Wetlands of International Importance, Especially as Waterfowl Habitat, Global Environment Facility, Ozone Secretariat, Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, Stockholm Convention on Persistent Organic Pollutants, United Nations Convention to Combat Desertification, United Nations Department of Economic and Social Affairs, United Nations Development Programme, United Nations Economic Commission for Africa, United Nations Economic Commission for Europe, United Nations Framework Convention on Climate Change, United Nations High Commissioner for Refugees, United Nations Human Settlements Programme, United Nations University Institute of Advanced Studies, United Nations International Strategy for Disaster Reduction, United Nations Joint Inspection Unit.

8. The following specialized agencies were represented: Food and Agriculture Organization of the United Nations, International Civil Aviation Organization, International Labour Office, International Maritime Organization, United Nations Educational, Scientific and Cultural Organization, United Nations Industrial Development Organization, World Bank, World Health Organization, World Meteorological Organization.

9. The following intergovernmental organizations were represented: Amazon Cooperation Treaty Organization, African Centre for Technology Studies, Commonwealth Secretariat, European Environment Agency, International Assessment of Agricultural Knowledge, Science and Technology for Development, International Union for the Conservation of Nature and Natural Resources, League of Arab States, South Asia Cooperative Environment Programme, South Pacific Commission, World Customs Organization.

10. In addition, 172 non-governmental and civil society organizations were represented by observers.

11. A full list of participants is provided in document UNEP/GC.25/INF/36.

## B. Election of officers

12. At the opening session of the meeting, on 16 February, the Council/Forum elected the following officers by acclamation:

President: Mr. Olivier Dulić (Serbia)

Vice-Presidents: Mr. Mohamed Cherif Rahmani (Algeria)
Mr. Juan Carlos Cué Vega (Mexico)
Mr. John Matuzsak (United States of America)

Rapporteur: Mr. Budi Bowoleksono (Indonesia)

## C. Credentials of representatives (agenda item 3)

13. In accordance with rule 17, paragraph 2, of the rules of procedure, the Bureau examined the credentials of the representatives attending the session. Representatives of 54 of the 58 member States attended the session and their credentials were found to be in order. The Bureau so reported to the Council/Forum, which approved the Bureau's report at the 9th plenary meeting, on 20 February 2009.

## D. Agenda

14. At the opening meeting, the Council/Forum adopted the following agenda for the session on the basis of the provisional agenda approved by the Council/Forum at its twenty-fifth session (UNEP/GC.25/1):

1. Opening of the session.
2. Organization of work:
   (a) Election of officers;
   (b) Adoption of the agenda and organization of work.
3. Credentials of representatives.
4. Policy issues:
   (a) State of the environment;
   (b) Emerging policy issues;
   (c) International environmental governance;
   (d) Coordination and cooperation within the United Nations system on environmental matters;
   (e) Coordination and cooperation with major groups;
   (f) Contribution of the United Nations Environment Programme as an implementing agency of the Global Environment Facility.
5. Follow-up to and implementation of the outcomes of United Nations summits and major intergovernmental meetings, including the decisions of the Governing Council.
6. Budget and programme of work for the biennium 2010–2011 and the Environment Fund and other budgetary matters.
7. Provisional agenda, date and venue of future sessions of the Governing Council/Global Ministerial Environment Forum:
   (a) Eleventh special session of the Governing Council/Global Ministerial Eavironment Forum;
   (b) Twenty-sixth session of the Governing Council/Global Ministerial Environment Forum.
8. Other matters.
9. Adoption of the report.
10. Closure of the session.

## E. Organization of the work of the session

15. At the 1st plenary meeting of the session, the Council/Forum considered and approved the organization of work of the session in the light of the recommendations contained in the revised annotated agenda (UNEP/GC.25/1/Add.1/Rev.1).

16. Pursuant to one of those recommendations, as agreed by the Bureau, it was decided that the Council/Forum would hold ministerial consultations from the afternoon of Monday, 16 February 2007, to

the afternoon of Thursday, 19 February. The focus of those consultations would be on globalization and the environment and international environmental governance, under agenda item 4 (b).

17. Also at its 1st plenary meeting, the Council/Forum decided to establish, in accordance with rule 60 of its rules of procedure, a Committee of the Whole. The Committee of the Whole would meet concurrently with the plenary meetings of the Council/Forum and the ministerial consultations and would consider agenda items 4 (a) (Policy issues: state of the environment); 4 (c)–(f) (international environmental governance; coordination and cooperation with the United Nations system on environmental matters; coordination and cooperation with major groups; contribution of the United Nations Environment Programme as an implementing agency of the Global Environment Facility); 5 (Follow-up to and implementation of the outcomes of United Nations summits and major intergovernmental meetings, including the decisions of the Governing Council); 6 (Budget and programme of work for the biennium 2010–2011 and the Environment Fund and other budgetary matters); 7 (Provisional agenda, date and venue of future sessions of the Governing Council/Global Ministerial Environment Forum: eleventh special session of the Governing Council/Global Ministerial Environment Forum; twenty-sixth session of the Governing Council/Global Ministerial Environment Forum); and 8 (Other matters).

18. It was further decided at the 1st plenary meeting that the Committee of the Whole would be chaired by Mr. Jukka Uosukainen (Finland). A decision was also made to establish a drafting group to work on draft decisions for possible adoption by the Council/Forum, to be chaired by Mr. Daniel Chuburu (Argentina).

19. It was further agreed that the Council/Forum would consider agenda items 3 (Credentials of representatives), 9 (Adoption of the report) and 10 (Closure of the session) at the plenary meeting on the afternoon of Friday, 20 February.

## F. Policy statement by the Executive Director

20. At the 1st plenary meeting, the Executive Director delivered a policy statement that aimed, he said, to put the current meeting into the context of current events, both in the world at large and in UNEP. A summary of the policy statement may be found in the proceedings of the session (UNEP/GC.25/17).

21. Under the item, the Council/Forum heard general statements from the representatives of Nigeria, speaking on behalf of the Group of 77 and China; the Czech Republic, speaking on behalf of the European Union; the United States of America; and Palestine. Summaries of those statements may be found in the proceedings of the session (UNEP/GC.25/17).

## G. Ministerial consultations

22. At its 2nd plenary meeting, on the afternoon of 16 February, the Council/Forum began its consideration of agenda item 4 (b), emerging policy issues, in the form of ministerial consultations, focusing on the themes of globalization and the environment and international environmental governance.

23. The ministerial consultations began at the 2nd plenary meeting with a keynote address relating to the nature and scale of current challenges and opportunities in environment and development. The consultations continued at the 3rd, 4th and 5th plenary meetings, on 17 and 18 February. The theme of international environmental governance was discussed at the 7th and 8th plenary meetings, on 19 February. The 6th plenary meeting was devoted to climate change and was organized by the Government of Denmark in its role as host Government of the fifteenth session of the Parties to the United Nations Framework Convention on Climate Change, to be held in 2009. The consultations included concurrent round-table discussions that were intended to enable participants to explore the issues more fully in smaller groups.

24. At the 9th plenary meeting, on the morning of Friday, 20 February, the President of the Council/Forum presented a draft summary of the views expressed during the consultations on each theme

considered during the twenty-fifth session of the Council/Forum. He said that the summary reflected the variety of views expressed during the ministerial consultations, and did not constitute a consensus text. One representative said that the principle of common but differentiated responsibility had figured prominently in the discussions and merited more explicit consideration in the summary. The Council/Forum took note of the President's summary, which is set out in annex III to the proceedings of the session (UNEP/GC.25/17).

## II. Report of the Committee of the Whole

25. The Committee of the Whole held nine meetings from 16 to 20 February 2009, to consider the agenda items assigned to it. At its 9th plenary meeting, on 20 February, the Council/Forum took note of the report of the Committee of the Whole. The report is set out in annex II to the proceedings of the session (UNEP/GC.25/17).

# III. Matters requiring the special attention of the General Assembly or the Economic and Social Council

## A. President's summary of the ministerial consultations

26. At the 9th plenary meeting, on the morning of Friday, 20 February, the President of the Council/Forum presented a draft summary of the views expressed during the consultations on each theme considered during the twenty-fifth session of the Council/Forum. The summary, which is contained in annex II to the present report, reflects the interactive dialogue that occurred among the ministers and other heads of delegation, and the ideas presented and discussed rather than a consensus view of all points raised by participants.

## B. Provisional agendas, dates and venues for the eleventh special session of the Governing Council/Global Ministerial Environment Forum and the twenty-sixth regular session of the Governing Council/Global Ministerial Environment Forum

27. By its decision 25/17, the Council/Forum decided to hold its eleventh special session and its twenty-sixth session in 2010 and 2011 respectively. Further to the subsequent consultations with the Bureau of the Council/Forum and the member States, the dates and venue of the eleventh special session and the twenty-sixth regular session have been decided as follows: 24–26 February 2010 in Bali, Indonesia, and 21–25 February 2011in Nairobi at UNEP headquarters.

## C. Implementation of decision SS.VII/1 on international environmental governance

28. By its decision 25/1, the Council/Forum noted the General Assembly discussions on issues relating to international environmental governance within an informal consultative process; also noted that the General Assembly, in accordance with resolution 61/205 of 20 December 2006, had decided to consider, if necessary, the issue of universal membership of the Governing Council/Global Ministerial Environment Forum at its sixty-fourth session, while noting the differences in views expressed so far on that important but complex issue. The Council/Forum also noted the report prepared by the United Nations Joint Inspection Unit entitled "Management review of environmental governance within the United Nations system". The Council/Forum requested the Executive Director to continue his efforts and increase support to strengthen the regional office of UNEP to contribute to the implementation of the Bali Strategic Plan for Technology Support and Capacity-building.

29. The Council/Forum decided to reaffirm the need to strengthen the scientific base of UNEP including through the reinforcement of the scientific capacities of developing countries and countries with economies in transition in the area of protection of the environment; emphasized the need for stable,

adequate and predictable financial resources of UNEP in the context of the United Nations regular budget, in accordance with General Assembly resolution 2997 (XXVII); and requested the Executive Director to increase the effectiveness of, and the coordination and synergy between, multilateral environmental agreements and to enhance coordination across the United Nations system, including the Environment Management Group.

## D. International Year of Biodiversity

30. By its decision 25/3, the Council/Forum invited Governments and relevant organizations to plan and undertake appropriate activities to commemorate and celebrate the International Year of Biodiversity 2010 and to contribute to the success of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, in 2010.

## E. International environmental governance

31. By its decision 25/4, the Council/Forum decided to establish a regionally representative, consultative group of ministers or high-level representatives, with a view to reaching conclusions at its eleventh special session and to providing input to, among other things, the General Assembly's follow-up to the measures set out in paragraph 169 of the 2005 World Summit Outcome.

## F. Mercury

32. By its decision 25/5 III, the Council/Forum requested the Executive Director to convene an intergovernmental negotiating committee with the mandate to prepare a global legally binding instrument on mercury, commencing its work in 2010 with the goal of completing it prior to the twenty-seventh regular session of the Council/Forum, in 2013.

## G. South-South cooperation for achieving sustainable development

33. By its decision 25/9, the Council/Forum requested the Executive Director to contribute to the Secretary-General's report to the forthcoming high-level United Nations conference on South-South cooperation and to participate in that Conference.

## H. Intergovernmental science-policy platform on biodiversity and ecosystem services

34. By its decision 25/10, the Council/Forum requested the Executive Director to undertake a further process to support efforts by Governments and relevant organizations to explore a mechanism to improve and to strengthen the science-policy interface for biodiversity and ecosystem services for conservation and sustainable use of biodiversity, aiming to report on its progress at the special session on biodiversity of the sixty-fifth session of the General Assembly and other relevant meetings.

## I. Environmental situation in the Gaza Strip

35. By its decision 25/12, the Council/Forum requested the Executive Director to deploy a mission of environmental experts to Gaza to assess the natural and environmental impacts on the Gaza Strip caused by the escalation of violence and hostilities; and requested the Executive Director to submit a follow-up report on the finding, results and recommendations to the Council/Forum at its eleventh special session, in 2010.

## J. Budget and programme of work for the biennium 2010–2011

36. By its decision 25/13, the Council/Forum approved the programme and support budget for 2010–2011 and approved the appropriations for the Environment Fund in the amount of $180 million.

# IV. Adoption of decisions

| Decision no. | Title |
|---|---|
| 25/1 | Implementation of decision SS.VII/1 on international environmental governance |
| 25/2 | World environmental situation |
| 25/3 | International Year of Biodiversity |
| 25/4 | International environmental governance |
| 25/5 | Chemicals management, including mercury |
| 25/6 | Long-term strategy on engagement and involvement of young people in environmental issues |
| 25/7 | Omnibus decision on reports of the Executive Director |
| 25/8 | Waste management |
| 25/9 | South-South cooperation for achieving sustainable development |
| 25/10 | Intergovernmental science-policy platform on biodiversity and ecosystem services |
| 25/11 | Environmental law |
| 25/12 | Environmental Situation in the Gaza Strip |
| 25/13 | Proposed biennial programme and support budgets for the biennium 2010–2011 |
| 25/14 | Management of trust funds and earmarked contributions |
| 25/15 | Supplementary budget |
| 25/16 | Support to Africa in environmental management and protection |
| 25/17 | Provisional agendas, dates and venues for the eleventh special session of the Governing Council/Global Ministerial Environment Forum and the twenty-sixth session of the Governing Council/Global Ministerial Environment Forum |

37. At the time of the adoption of the draft decision on the world environmental situation, the representative of the United States of America requested the secretariat to consider whether the words "sole responsibility" had been used previously to describe the responsibility of UNEP for keeping under review the world environmental situation in the United Nations system. He suggested that, to avoid expanding the mandate of UNEP and undermining the responsibility of other organizations on environmental matters, the words "principal responsibility" could be employed.

38. At the time of the adoption of the draft decisions on the proposed biennial progamme and support budgets 2010–2011, management of trust funds and earmarked contributions and supplementary budget, the representative of Mexico clarified that, although his country had agreed to the adoption of the decision, it should be noted that its interpretation of the financial implications contained in the decision was that resources should be drawn from a redistribution of existing resources and not from new resources.

## V. Policy issues (agenda items 4 (a) (State of the environment), 4 (c) (International environmental governance), 4 (d) (Coordination and cooperation within the United Nations system on environmental matters), 4 (e) (Coordination and cooperation with major groups), 4 (f) (Contribution of the United Nations Environment Programme as an implementing agency of the Global Environment Facility)

## VI. Follow-up to and implementation of the outcomes of United Nations summits and major intergovernmental meetings, including the decisions of the Governing Council (agenda item 5)

## VII. Budget and programme of work for the biennium 2010–2011 and the Environment Fund and other budgetary matters (agenda item 6)

## VIII. Provisional agenda, date and venue of future sessions of the Governing Council/Global Ministerial Environment Forum (agenda item 7)

## IX. Other matters (agenda item 8)

39. The above agenda items were considered by the Committee of the Whole. The report on the deliberations of the Committee is contained in annex II to the proceedings of the session (UNEP/GC.25/17).

40. The decisions adopted by the Council/Forum on the items are set out in annex I to the present report and those requiring the special attention of the General Assembly or the Economic and Social Council are listed in chapter III above.

## X. Adoption of the report (agenda item 9)

41. The proceedings of the session (UNEP/GC.25/17) were adopted by the Council/Forum at its 9th plenary meeting, on 20 February 2009, on the basis of the draft proceedings which had been circulated and on the understanding that the secretariat and the Rapporteur would be entrusted with their finalization.

## XI. Closure of the session (agenda item 10)

42. Following closing statements, video presentations and the customary exchange of courtesies, the twenty-fifth session of the Governing Council/Global Ministerial Environment Forum was declared closed at 4.25 p.m. on Friday, 20 February 2009.

# Annex I

## Decisions adopted by the Governing Council/Global Ministerial Environment Forum at its twenty-fifth session


| Decision no. | Title |
|---|---|
| 25/1 | Implementation of decision SS.VII/1 on international environmental governance |
| 25/2 | World environmental situation |
| 25/3 | International Year of Biodiversity |
| 25/4 | International environmental governance |
| 25/5 | Chemicals management, including mercury |
| 25/6 | Long-term strategy on engagement and involvement of young people in environmental issues |
| 25/7 | Omnibus decision on reports of the Executive Director |
| 25/8 | Waste management |
| 25/9 | South-South cooperation for achieving sustainable development |
| 25/10 | Intergovernmental science-policy platform on biodiversity and ecosystem services |
| 25/11 | Environmental law |
| 25/12 | Environmental situation in the Gaza Strip |
| 25/13 | Proposed biennial programme and support budgets for the biennium 2010–2011 |
| 25/14 | Management of trust funds and earmarked contributions |
| 25/15 | Supplementary budget |
| 25/16 | Support to Africa in environmental management and protection |
| 25/17 | Provisional agendas, dates and venues for the eleventh special session of the Governing Council/Global Ministerial Environment Forum and the twenty-sixth session of the Governing Council/Global Ministerial Environment Forum |


### Decision 25/1: Implementation of decision SS.VII/1 on international environmental governance

The Governing Council,

*Recalling* General Assembly resolution 2997 (XXVII) of 15 December 1972, the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme[2] and the Malmö Ministerial Declaration,[3]

*Recalling also* General Assembly resolutions 57/251 of 20 December 2002, 58/209 of 23 December 2003 and 59/226 of 22 December 2004,

*Recalling further* its decision SS.VIII/1 of 31 March 2004 and the Plan of Implementation of the World Summit on Sustainable Development,[4] which emphasized the need for full implementation of decision SS.VII/1 of 15 February 2002,

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[2] Governing Council decision 19/1 of 7 February 1997, annex.

[3] Report of the Governing Council on the work of its Global Ministerial Environment Forum/sixth special session, UNEP/GCSS.VI/9, annex I.

[4] *Report of the World Summit on Sustainable Development*, Johannesburg, South Africa, 26 August–4 September 2002 (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

*Recalling* the Bali Strategic Pan for Technology Support and Capacity-building,[5] which it adopted by its decision 23/1 of 25 February 2005,

*Recalling also* its decision 24/1 of 9 February 2007,

*Recalling further* the triennial comprehensive policy review of operational activities for development of the United Nations system,[6]

*Having considered* the reports of the Executive Director on international environmental governance,

## I

## Follow-up to paragraph 169 of the 2005 World Summit Outcome

1. *Notes* the General Assembly discussions on issues relating to international environmental governance within an informal consultative process, which have contributed to further common understanding of different views on these matters;

2. *Also notes* that the General Assembly, in accordance with its resolution 61/205 of 20 December 2006, has decided to consider, if necessary, the issue of universal membership of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme at its sixty-fourth session, while noting the differences in views expressed so far on this important but complex issue;

3. *Reaffirms* its commitment to continuing the discussion on international environmental governance with a view to adopting a General Assembly resolution on advancing and determining specific actions towards greater coherence and efficacy of the international environmental institutional framework;

4. *Takes note* of the report prepared by the United Nations Joint Inspection Unit entitled "Management review of environmental governance within the United Nations system";[7]

## II

## Strengthening the scientific base of the United Nations Environment Programme

5. *Welcomes* the further consultative process on strengthening the scientific base of the United Nations Environment Programme as facilitated by the Executive Director and the valuable inputs made by Governments and other stakeholders that have resulted in a revised Environment Watch strategy;[8]

6. *Reaffirms* the need to strengthen the scientific base of the United Nations Environment Programme, within its mandate, including through the reinforcement of the scientific capacities of developing countries and countries with economies in transition in the area of protection of the environment;

7. *Emphasizes* the need for greater cooperation with and among existing bodies to make more efficient use of existing infrastructures, data, mechanisms and tools to enhance interoperability among systems;

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[5] UNEP/IEG/IGSP/3/4, annex.

[6] Resolution 62/208 of the General Assembly.

[7] JIU/REP/2008/3, submitted to the Council/Forum at its twenty-fifth session as document UNEP/GC.25/INF/33.

[8] UNEP/GC/25/Inf/20.

8. *Highlights* the importance of considering the complementarity between the scientific initiatives of the United Nations Environment Programme and the advisory and scientific assessment mechanisms of multilateral environmental agreements;

9. *Reaffirms* environmental early warning and assessment and monitoring of the state of the global environment as core functions of the United Nations Environment Programme and recognizes the importance of the networks and partners that enable it to perform those core functions;

10. *Underlines* the vital importance in a globalizing world of strengthening capacities to provide environmental information for policy-setting and decision-making, including the integration of the environment into development, meeting the obligations of multilateral environmental agreements and the achievement of national and international development goals, where appropriate, through the implementation of the Bali Strategic Plan and what is termed the "Delivering as one" initiative;[9]

11. *Takes note* that the revised Environment Watch strategy is consistent with the approved programme of work of the United Nations Environment Programme and with the "Delivering as one" approach;

12. *Recognizes* that the important functions of the strategy are the following:

(a) Capacity-building and technology support;

(b) Assessment;

(c) Early warning, monitoring and observation;

(d) Data support, information-sharing and development of mutually agreed environmental indicators;

(e) Networking and partnerships;

13. *Invites* countries, partners, donors and financial institutions to contribute additional, extrabudgetary resources to meet the cost of implementing the strategy at the national level in accordance with the approved programme of work of the United Nations Environment Programme and in the framework of the "Delivering as one" initiative;

## III

## Bali Strategic Plan for Technology Support and Capacity-building

14. *Notes with satisfaction* that the Bali Strategic Plan for Technology Support and Capacity-building has become an integral part of the medium-term strategy for the period 2010–2013 and also of the implementation of the approved programme of work of the United Nations Environment Programme and calls upon the Executive Director, within the approved programmes of work, further to advance and fully implement the Bali Strategic Plan with a view to achieving its objectives in the areas of capacity-building and technology support for developing countries and countries with economies in transition;

15. *Requests* the Executive Director to continue his efforts and increase support to strengthen the regional offices of the United Nations Environment Programme to contribute to the implementation of the Bali Strategic Plan;

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[9] Delivering as one: report of the Secretary General's High-level Panel on System-wide Coherence in the areas of development, humanitarian assistance and the environment (A/61/583).

## IV

## Strengthening the financing of the United Nations Environment Programme

16. *Emphasizes* the need for stable, adequate and predictable financial resources for the Environment Fund, in the context of the United Nations regular budget, in accordance with General Assembly resolution 2997 (XXVII) of 15 December 1972;

17. *Reaffirms* its support for the provision of adequate, stable and predictable financing for the United Nations Environment Programme as an essential prerequisite for the strengthening of its capacity and functions, as well as for the effective coordination of the environmental component of sustainable development;

18. *Encourages* Governments, to the extent feasible and noting the strategic, prioritized and results-based direction taken through the medium-term strategy, to move towards contributions to the Environment Fund in preference to earmarked trust funds with a view to enhancing the role of the Governing Council in determining the programme of work and priorities of the United Nations Environment Programme;

19. *Requests* the Executive Director, in accordance with paragraph 19 of the appendix to decision SS.VII/1, to notify all United Nations Member States of the voluntary indicative scale of contributions that he intends to propose for the biennium 2010–2011 by 1 August of the year preceding the year in which these contributions should be paid and invites each Member State to inform the Executive Director as to whether it will use the proposed voluntary indicative scale of contributions;

20. *Encourages* Governments, taking into account their economic and social circumstances, to make their voluntary contributions to the Environment Fund in 2010–2011 in an amount equal to or greater than that suggested by the voluntary indicative scale of contributions or on the basis of the other voluntary options listed in paragraph 18 of the appendix to decision SS.VII/1;

21. *Requests* the Executive Director to continue his efforts in seeking an increase in voluntary funding, from all sources, for strengthening the financial base of the United Nations Environment Programme;

22. *Welcomes* efforts by the Executive Director to ensure efficient planning, timely delivery of its programme results and more efficient use of the available funds;

## V

## Issues related to multilateral environmental agreements

23. *Takes note* of the activities undertaken by the Executive Director to increase the effectiveness of, and the coordination and synergy between, multilateral environmental agreements;

24. *Also takes note* of the activities undertaken by the Executive Director to support Governments in their efforts better to implement, to comply with and to enforce multilateral environmental agreements;

25. *Notes* that the activities of the Executive Director as referred to in paragraphs 23 and 24 have been undertaken taking into account the autonomous decision-making authority of the conferences of the parties to such agreements and the need to promote the environmental dimension of sustainable development among other relevant United Nations bodies;

26. *Welcomes* the outcomes of the Ad Hoc Joint Working Group on Enhancing Cooperation and Coordination Among the Basel, Rotterdam and Stockholm Conventions, as contained in its recommendations, and the adoption of those recommendations by the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at its ninth meeting and the Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade at its fourth meeting;

27. *Encourages* contracting parties to other multilateral environmental agreements in specific areas where common issues arise to consider ways and means of enhancing cooperation and coordination, drawing upon, as appropriate, the experience of the Basel, Rotterdam and Stockholm conventions;

28. *Requests* the Executive Director, in the event that the Conference of the Parties of the Stockholm Convention on Persistent Organic Pollutants also adopts those recommendations at its fourth meeting, to undertake relevant actions envisaged in the recommendations, as appropriate, within the framework of the approved programme of work of the United Nations Environment Programme and within the available resources;

## VI

## Enhanced coordination across the United Nations system, including the Environment Management Group

29. *Welcomes* the efforts of the Executive Director in his capacity as chair of the Environment Management Group and those of its members in promoting cooperation across the United Nation system on environmental activities, including its support for the commitment made by the United Nations System Chief Executive Board for Coordination to moving the United Nations towards climate neutrality;

30. *Also welcomes* the increased attention of the Environment Management Group to key environmental processes under the three Rio conventions and, in this regard, welcomes the United Nations Environment Programme-International Union for Conservation of Nature "Tematea" project on issue-based modules as a useful tool to support the coherent implementation of multilateral environmental agreements within their respective mandates;

31. *Requests* the Executive Director to invite the Environment Management Group to promote cooperation across the United Nations system to assist Member States to implement the international environmental agenda, including through consideration of joint approaches to addressing environmental challenges of United Nations system-wide significance;

32. *Welcomes* the continuing consideration in the Environment Management Group on United Nations system-wide support for the implementation of the ten-year strategic plan and framework to enhance the implementation of the Convention to Combat Desertification[10] in response to the call by the General Assembly in its resolution 63/218 of 19 December 2008, which is to be undertaken within the convention's mandate, and also welcomes the consideration by the Environment Management Group of support for the 2010 biodiversity target process;

33. *Also welcomes* the efforts by the United Nations Environment Programme to engage actively in the "Delivering as one" initiative, and also in the joint United Nations Environment Programme-United Nations Development Programme poverty and environment initiative;

[10] Decision 3/COP.8 of the eighth session of the Conference of the Parties, as contained in document ICCD/COP(8)/16/Add.1.

34. *Reaffirms* the role of the United Nations Environment Programme as the principal environmental body within the United Nations system that promotes coherent implementation of the environmental dimension of sustainable development and expresses its wish that cooperation between the United Nations Environment Programme and the United Nations Development Programme be strengthened further, including through the revised memorandum of understanding and by clearly specifying their respective roles;

35. *Requests* the Executive Director to present the progress report on the implementation of the revised memorandum of understanding between the United Nations Development Programme and the United Nations Environment Programme to the Governing Council/Global Ministerial Environment Forum at its next special session.

## Decision 25/2: World environmental situation

*The Governing Council*,

*Pursuing* its functions and responsibilities as outlined in General Assembly resolution 2997 (XXVII) of 15 December 1972, and subsequent mandates, including those emanating from the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme[11] and the Malmö Ministerial Declaration,[12] including to keep under review the world environmental situation in order to ensure that emerging environmental problems of wide international significance are prioritized and receive appropriate and adequate consideration by Governments, and to promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information,

*Recalling* its decision 22/1 of 7 February 2003 on early warning, assessment and monitoring; decision 23/6 of 25 February 2005 on keeping the world environmental situation under review; and decision SS.X/5 of 22 February 2008 on the Global Environment Outlook: environment for development,

*Recalling also* General Assembly resolution 60/30 of 29 November 2005 on oceans and the law of the sea, by which the General Assembly decided to establish a regular process under the United Nations for the global reporting and assessment of the state of the marine environment, including socio-economic aspects, to be jointly implemented by the United Nations Environment Programme and the Intergovernmental Oceanographic Commission of the United Nations Educational, Scientific and Cultural Organization, and General Assembly resolutions 61/222 of 20 December 2006 and 62/215 of 22 December 2007,

*Recalling further* the findings and recommendations of the fourth Global Environment Outlook,

*Noting* the findings contained in a number of other environmental assessment reports and publications released since the twenty-fourth session of the Governing Council/Global Ministerial Environment Forum, in particular those prepared by the United Nations Environment Programme in cooperation with partners,

*Noting also* the findings contained in reports on the state of the international assessment landscape,

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[11] Governing Council decision 19/1 of 7 February 1997, annex.

[12] Report of the Governing Council on the work of its Global Ministerial Environment Forum/sixth special session, UNEP/GCSS.VI/9, annex I.

*Expressing concern* that the documented environmental degradation and widespread changes resulting from human activity, together with natural processes and the loss of ecosystem services and goods, are barriers to the attainment of internationally agreed development goals,

*Welcoming with appreciation* the efforts made by the United Nations Environment Programme to build regional and national capacities for environmental data collection, information and assessment, performed in cooperation with other United Nations entities, national Governments, non-governmental organizations, the private sector and other partners,

*Recognizing* that the United Nations Environment Programme bears the sole responsibility within the United Nations system for keeping under review the world environmental situation to ensure that emerging environmental problems of wide international significance are prioritized and receive appropriate and adequate consideration by Governments and that the Global Environment Outlook is currently the only integrated and cross-cutting global assessment of environmental change,

*Recognizing also* the importance of building on the experiences gained and lessons learned from other assessment processes and the findings from the fourth Global Environment Outlook evaluation process together with other recent developments aimed at strengthening the scientific base of the United Nations Environment Programme,

*Welcoming* the options presented by the Executive Director on the possible development of a scientifically credible and policy-relevant global assessment of environmental change and its implications for development, including the option that embeds a structured set of integrated and thematic assessments within the framework of the medium-term strategy spanning its six cross-cutting thematic priorities,

## I

## Scientific findings of recent assessments

1. *Urges* Governments, United Nations agencies, financial institutions, the private sector and civil society to consider key environmental assessment findings in the light of the growing awareness of the complexity of those challenges and their links to human well-being and development goals;

2. *Calls upon* Governments to demonstrate strong leadership individually and collectively and to implement effective policy responses including, where appropriate, economic instruments and market mechanisms to regulate and manage the environment, ecosystems and their services, and to continue to cooperate within the framework of multilateral processes that aim to reverse environmental degradation;

3. *Invites* Governments and other interested parties, taking note of the "assessment of assessments – Progress report" endorsed by the Ad Hoc Steering Group for the "assessment of assessments" of the regular process for global reporting and assessment of the state of the marine environment, including social and economic aspects, at its third meeting and submitted by lead agencies to Member States, to contribute financially to enable the completion of the "assessment of assessments" and its submission to the United Nations General Assembly at its sixty-fourth session, to be held in 2009;

## II

## International assessment landscape

4. *Urges* Governments to improve the scientific basis of their own environmental management and decision-making and to strengthen public support for environmental action through regular assessment and reporting on the state of the national environment, in accordance with national legislation and multilateral environmental agreements, while contributing to subregional, regional and global assessment and reporting processes as appropriate;

5. *Requests* the Executive Director, in the assessment activities of the United Nations Environment Programme to make scientific data, metadata and standards from assessments available in an open-access electronic format so that future assessments can be based on past work and can be useful as a baseline for modelling and predictive analysis;

6. *Also requests* the Executive Director, through the programme of work, to maintain oversight of the international assessment landscape, to work with other partners in efforts to streamline and improve coherence in international environmental assessment and reporting processes, to assist in developing assessment processes that are credible, relevant and legitimate so as to enhance their influence, to strengthen the capacities of countries that are experiencing challenges in meeting their environmental assessment and reporting obligations, to facilitate access to environmental assessments and reports through an online depository and to report back to the Governing Council/Global Ministerial Environment Forum on improvements in this area through the regular report by the Executive Director on the state of the environment;

7. *Further requests* the Executive Director to assist countries, as appropriate, through the programme of work, to harmonize their national legislation relevant to environmental assessment and reporting so that the thematic coverage and periodicity of reporting is relevant and timely;

## III

## Future global assessment of environmental change

8. *Requests* the Executive Director, through the programme of work, to continue to conduct comprehensive, integrated and scientifically credible global environmental assessments, avoiding duplication and building on ongoing assessment work, to support decision-making processes at all levels, in the light of the continuing need for up-to-date, scientifically credible, policy-relevant information on environmental change worldwide, including analyses of cross-cutting issues and indicator based components;

9. *Also requests* the Executive Director, through the programme of work, to engage all relevant stakeholders in conducting global environmental assessments to support and strengthen further their scientific credibility, policy relevance and legitimacy;

10. *Encourages* the Executive Director to include as a priority capacity-building for developing countries as a component of the assessment processes;

11. *Requests* the Executive Director, through the programme of work and budget, to undertake a coherent set of integrated and thematic United Nations Environment Programme assessments, including a comprehensive integrated global assessment, the fifth report in the Global Environment Outlook series, *GEO-5*, which should also inform, as appropriate, the strategic directions of the United Nations Environment Programme;

12. *Also requests* the Executive Director to strengthen the policy relevance of *GEO-5* by including an analysis of appropriate policy options and their indicative costs and benefits to speed

up realization of the internationally agreed goals and targets, and also to inform relevant global processes and meetings where progress towards these agreed goals and targets will be discussed;

13. *Invites* the Executive Director to organize a *GEO-5* process in which the scope, objectives and process of the Global Environment Outlook are finalized and adopted at a global intergovernmental and multi-stakeholder consultation and to convene a final intergovernmental meeting to negotiate and endorse the summary for policymakers based on the scientific findings of the full report;

14. *Requests* the Executive Director to elaborate further on the requirements for a migration to targeted assessments on thematic priority areas supported by a UNEP-Live enabling framework[13] and to report thereon to the Governing Council at its twenty-sixth session in 2011.

## Decision 25/3: International Year of Biodiversity

*The Governing Council,*

*Recalling* resolution 61/203 of 20 December 2006 by which the General Assembly declared 2010 the International Year of Biodiversity,

1. *Invites* Governments and relevant organizations to plan and undertake appropriate activities to commemorate and celebrate the International Year of Biodiversity 2010 spirit and to contribute to the success of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, in 2010;

2. *Requests* the Executive Director of the United Nations Environment Programme, in consultation with the Executive Secretary of the Convention on Biological Diversity, to provide the active and full support of the United Nations Environment Programme in the preparations and organization of the tenth meeting of the Conference of the Parties to the Convention on Biological Diversity, consistent with the mandate of the United Nations Environment Programme in this regard;

3. *Also requests* the Executive Director of the United Nations Environment Programme to collaborate with the Executive Secretary of the Convention on Biological Diversity to promote cooperation between and coordination of international organizations and non-governmental organizations, and thereby to maximize effectively contributions to the biodiversity agenda.

## Decision 25/4: International environmental governance

*The Governing Council,*

*Taking note* of the recommendation contained in the report by the co-chairs of the informal consultations of the General Assembly on the institutional framework for United Nations environment work,[14] dated 10 February 2009, to produce proposals that "allow improving the current system",

*Taking note also* of the discussion paper prepared by the Executive Director for the ministerial consultations at the twenty-fifth session of the Governing Council on the theme: "Globalization and the environment – global crises: national chaos?"[15] which presents the scale and nature of current global crises and the emerging opportunities to respond to them,

[13] A framework where decision makers have easy access to assessment findings, syntheses, summaries and technical briefs.

[14] UNEP/GC.25/INF/35.

[15] UNEP/GC.25/16.

*Taking note further* of the discussion paper prepared by the Executive Director for the ministerial consultations at the twenty-fifth session of the Governing Council on the theme: "International environmental governance and United Nations reform – international environmental governance: help or hindrance?"[16] which addresses international environmental governance from a country perspective,

*Taking into account* decision SS.VII/1 of 15 February 2002 on international environmental governance, which, together with its appendix, is known as the "Cartagena package", and the management review of environmental governance within the United Nations system prepared by the Joint Inspection Unit,[17]

*Aware* that the consultative process proposed below and the conclusions reached by the Governing Council/Global Ministerial Environment Forum at its eleventh special session will provide input to, among other things, the General Assembly's follow-up to the measures set out in paragraph 169 of the 2005 World Summit Outcome,[18]

1. *Decides* to establish a regionally representative, consultative group of ministers or high-level representatives, inviting each United Nations region to propose between two and four Governments to participate, while remaining open to participation by other interested Governments;

2. *Requests* the group of ministers or high-level representatives to conclude its work and present a set of options for improving international environmental governance to the Governing Council/Global Ministerial Environment Forum at its eleventh special session, with a view to providing inputs to the United Nations General Assembly;

3. *Decides* that the group will have two co-chairs, one from a developing country and one from a developed country, and requests the Executive Director to participate as an adviser to the group;

4. *Urges* the group to begin its work as soon as possible and, at its first meeting, to determine the structure of its work;

5. *Requests* the Executive Director to seek extrabudgetary resources, if required, in order to facilitate the participation in the meetings of the developing countries proposed by the regional groups.

## Decision 25/5: Chemicals management, including mercury

*The Governing Council,*

*Recalling* its decisions 18/12 of 26 May 1995, 19/13 of 7 February 1997, 20/23 of 4 February 1999, 21/5 of 9 February 2001, SS.VII/3 of 15 February 2002, 22/4 of 7 February 2003, 23/9 of 25 February 2005, SS.IX/1 of 9 February 2006 and 24/3 of 9 February 2007 concerning global policies related to chemicals management and the development of a strategic approach to international chemicals management,

*Acknowledging with appreciation* the progress achieved to enhance coordination and cooperation within the international chemicals and waste cluster,

*Acknowledging* the widespread concerns over the serious adverse effects of mercury on human health and the environment and the urgent need for international action,

[16] UNEP/GC.25/16/Add.1.

[17] JIU/REP/2008/3, contained in document UNEP/GC.25/INF/33.

[18] General Assembly resolution 60/1 of 16 September 2005.

*Noting* that the work set out in the present decision will be carried out within the framework of the programmes of work of the United Nations Environment Programme and its subprogrammes,

*Having considered* the reports of the Executive Director on chemicals management,

## I

## Strategic Approach to International Chemicals Management

1. *Welcomes* the progress made to date in implementing the Strategic Approach to International Chemicals Management;

2. *Also welcomes* the important contributions of the United Nations Environment Programme to the implementation of the Strategic Approach process and in particular the efforts to integrate sound management of chemicals into development planning processes for developing countries and countries with economies in transition and the assistance to developing countries and countries with economies in transition in preparing proposals for the Quick Start Programme and their subsequent implementation;

3. *Requests* the Executive Director to strengthen support for implementation of the Strategic Approach and its Secretariat and facilitate more robust efforts in developing countries and countries with economies in transition to ensure the sound management of chemicals, in particular by ensuring that projects and programmes discussed under the Quick Start Programme are processed and implemented in an expeditious manner;

4. *Underlines* the importance of the multi-stakeholder, cross-sectoral and voluntary nature of the Strategic Approach;

5. *Also underlines* the importance of the continuing cooperation between the United Nations Environment Programme and other participating organizations and observers of the Inter-Organization Programme for the Sound Management of Chemicals;

6. *Encourages* the United Nations Environment Programme to play a leading role in assisting the implementation of the Strategic Approach while noting that the important roles of the International Conference on Chemicals Management are set out in paragraph 24 of the Overarching Policy Strategy of the Strategic Approach;

7. *Notes* that the International Conference on Chemicals Management will discuss ways to promote further progress in implementation of the Strategic Approach and approaches for the mid-term and long-term financing of the Strategic Approach;

8. *Urges* Governments, intergovernmental organizations, non-governmental organizations and others in a position to do so to contribute financially and in kind to implementation of the Strategic Approach, including through the Quick Start Programme, the Secretariat and the programme of work of the United Nations Environment Programme;

## II

## Lead and cadmium

9. *Acknowledges* the progress made on lead and cadmium, including actions taken to finalize the reviews of scientific information on lead and cadmium, in particular the actions taken to fill the data and information gaps, together with the actions to compile an inventory of risk management measures;

10. *Takes note* of the key findings of the 2008 review of scientific information on lead[19] and the 2008 review of scientific information on cadmium[20] including that, because they have relatively short residence time in the atmosphere, these metals are mainly transported over local, national or regional distances; and also notes that the export of new and used products containing lead and cadmium, remains a challenge for developing countries and countries with economies in transition which lack the capacity to manage and dispose of the substances in products in an environmentally sound manner;

11. *Notes* that further action is needed to address the challenges posed by lead and cadmium;

12. *Encourages* efforts by Governments and others to reduce risks to human health and the environment of lead and cadmium throughout the whole life cycle of those substances and to take action to promote the use of lead and cadmium-free alternatives, where appropriate, for instance in toys and paint as some products containing lead may cause a risk through normal use;

13. *Acknowledges* the efforts made by Governments and others to phase out lead from gasoline, in particular through the Partnership for Clean Fuels and Vehicles, and urges those Governments that are in a transition phase to phase out lead from gasoline as early as possible;

14. *Requests* the Executive Director to facilitate the above-mentioned work in developing countries and countries with economies in transition, including through the Bali Strategic Plan for Technology Support and Capacity-building, based on requests and subject to available funding;

15. *Takes note* of the United Nations Environment Programme study on the possible effects on human health and the environment in Africa of the trade of products containing lead, cadmium and mercury;[21]

16. *Requests* the Executive Director, in cooperation with Governments and relevant institutions to continue to address the data and information gaps identified in the United Nations Environment Programme reviews of scientific information on cadmium and lead;

17. *Also requests* the Executive Director to finalize the scientific review taking into account the latest available information in line with decisions 24/3 of 9 February 2007 and 23/9 of 25 February 2005 and to report to the Governing Council at its twenty-sixth session with a view to informing discussions on the need for global action in relation to lead and cadmium;

## III

## Mercury

18. *Recalls* the findings of the 2002 global mercury assessment published by the United Nations Environment Programme and the Inter-Organization Programme for the Sound Management of Chemicals that mercury is a chemical of global concern owing to its long-range atmospheric transport, its persistence in the environment once anthropogenically introduced, its ability to bioaccumulate in ecosystems and its significant negative effects on human health and the environment;

19. *Acknowledges* the progress made within the United Nations Environment Programme mercury programme in providing information and data on mercury and a forum for the consideration of globally coordinated actions;

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[19] UNEP/GC.25/INF/23.

[20] UNEP/GC.25/INF/24.

[21] UNEP/GC.25/INF/23/Add.1.

20. *Commends* the Executive Director and members of the United Nations Environment Programme Global Mercury Partnership for their progress in developing and implementing the Partnership as a vehicle for immediate action on mercury; welcomes the progress made by the Partnership in creating an overarching framework for immediate action in the priority areas identified in decision 24/3, section IV and endorses the continued involvement of the United Nations Environment Programme in the Partnership;

21. *Notes with appreciation* the final report of the Ad Hoc Open-ended Working Group on Mercury, which reflects all views expressed, presents options and sets out, as a basis for further discussion of actions, the elements of a comprehensive mercury framework contained in the appendix to that report;[22]

22. *Acknowledges* the need to manage mercury in an efficient, effective and coherent manner, taking into account the Governing Council decisions on international environmental governance and the principle of common but differentiated responsibilities, as set out in Principle 7 of the Rio Declaration on Environment and Development, in addition to the other relevant Rio Declaration principles;[23]

23. *Also acknowledges* that some legal obligations arising out of a new global legally binding instrument will require capacity-building and technical and financial assistance in order to be effectively implemented by developing countries and countries with economies in transition;

24. *Requests* the Executive Director to undertake specific actions to continue to facilitate close cooperation and coordination among the United Nations Environment Programme mercury programme and the Global Mercury Partnership and Governments, mercury-related activities under the Strategic Approach to International Chemicals Management and its Quick Start Programme, convention secretariats, including those of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Stockholm Convention on Persistent Organic Pollutants and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, intergovernmental organizations, non-governmental organizations and the private sector;

25. *Agrees* to further international action consisting of the elaboration of a legally binding instrument on mercury, which could include both binding and voluntary approaches, together with interim activities, to reduce risks to human health and the environment;

26. *Requests* the Executive Director to convene an intergovernmental negotiating committee with the mandate to prepare a global legally binding instrument on mercury, commencing its work in 2010 with the goal of completing it prior to the twenty-seventh regular session of the Governing Council/Global Ministerial Environment Forum, in 2013;

27. *Agrees* that the intergovernmental negotiating committee, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, is to develop a comprehensive and suitable approach to mercury, including provisions:

(a) To specify the objectives of the instrument;

(b) To reduce the supply of mercury and enhance the capacity for its environmentally sound storage;

(c) To reduce the demand for mercury in products and processes;

(d) To reduce international trade in mercury;

(e) To reduce atmospheric emissions of mercury;

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[22] Final report of the Ad Hoc Open-ended Working Group on Mercury to the Governing Council of the United Nations Environment Programme (UNEP/GC.25/5/Add.1, annex).

[23] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

(f) To address mercury-containing waste and remediation of contaminated sites;

(g) To increase knowledge through awareness-raising and scientific information exchange;

(h) To specify arrangements for capacity-building and technical and financial assistance, recognizing that the ability of developing countries and countries with economies in transition to implement some legal obligations effectively under a legally binding instrument is dependent on the availability of capacity-building and technical and adequate financial assistance;

(i) To address compliance;

28. *Also agrees* that the intergovernmental negotiating committee, in its deliberations on the instrument that it develops, should consider the following:

(a) Flexibility in that some provisions could allow countries discretion in the implementation of their commitments;

(b) Approaches tailored to the characteristics of specific sectors to allow transition periods and phased implementation for proposed actions, where appropriate;

(c) Technical and economic availability of mercury-free alternative products and processes, recognizing the necessity of the trade in essential products for which no suitable alternatives exist and to facilitate the environmentally sound management of mercury;

(d) Need to achieve cooperation and coordination and to avoid the unnecessary duplication of proposed actions with relevant provisions contained in other international agreements and processes;

(e) Prioritization of the various sources of mercury releases for action, taking into account the necessity for developing countries and countries with economies in transition to achieve sustainable development;

(f) Possible co-benefits of conventional pollutant control measures and other environmental benefits;

(g) Efficient organization and streamlined secretariat arrangements;

(h) Measures to address risks to human health and the environment as a consequence of anthropogenic mercury releases;

(i) Any other aspects that the intergovernmental negotiating committee may consider relevant to mercury control;

29. *Requests* in this context the Executive Director, for the purpose of informing the work of the intergovernmental negotiating committee, to conduct a study, in consultation with the countries concerned, on various types of mercury-emitting sources, as well as current and future trends of mercury emissions, with a view to analysing and assessing the costs and the effectiveness of alternative control technologies and measures;

30. *Recognizes* that the mandate of the intergovernmental negotiating committee may be supplemented by further decisions of the Governing Council;

31. *Decides* that participation in the intergovernmental negotiating committee should be open to Member States of the United Nations and its specialized agencies to regional economic integration organizations, and also to relevant intergovernmental and non-governmental organizations, consistent with applicable United Nations rules;

32. *Requests* the Executive Director to convene an ad-hoc open-ended working group, to hold one meeting in the second half of 2009, to prepare for the work of the intergovernmental negotiating committee, in particular to discuss the negotiating priorities, timetable and organization of the intergovernmental negotiating committee;

33. *Also requests* the Executive Director to support developing countries and countries with economies in transition to participate effectively in the work of the ad hoc open-ended working group and the intergovernmental negotiating committee;

34. *Further requests* the Executive Director, coordinating as appropriate with Governments, intergovernmental organizations, stakeholders and the Global Mercury Partnership, subject to the availability of resources and concurrently with the work of the intergovernmental negotiating committee, to continue and enhance, as part of the international action on mercury, the existing work, in the following areas:

(a) Enhancing capacity for mercury storage;

(b) Reducing the supply of mercury from, for example, primary mercury mining;

(c) Conducting awareness-raising and pilot projects in key countries to reduce mercury use in artisanal and small-scale gold mining;

(d) Reducing mercury use in products and processes and raising awareness of mercury-free alternatives;

(e) Providing information on best available techniques and best environmental practices and on the conversion of mercury-based processes to non-mercury based processes;

(f) Enhancing development of national inventories on mercury;

(g) Raising public awareness and supporting risk communication;

(h) Providing information on the sound management of mercury;

35. *Urges* Governments, intergovernmental organizations, industry, non-governmental organizations and academic institutions to continue and enhance their support for the activities set out in paragraph 34 of the present decision and for the Global Mercury Partnership through the provision of technical and financial resources, such as by supporting the implementation of country-based projects that tackle mercury risk reduction and risk management;

36. *Requests* the Executive Director, in consultation with Governments, to update the 2008 report entitled "Global Atmospheric Mercury Assessment: Sources, Emissions and Transport," for consideration by the Governing Council/Global Ministerial Environment Forum at its twenty-seventh session;

37. *Also requests* the Executive Director, as a priority action, to provide the necessary support to the intergovernmental negotiating committee, the United Nations Environment Programme mercury programme and the Global Mercury Partnership as near-term activities to address mercury;

38. *Requests* the Chemicals Branch of the United Nations Environment Programme Division of Technology, Industry and Economics to serve the ad hoc open-ended working group and the intergovernmental negotiating committee as secretariat and to prepare the analytical and summary reports necessary for its work;

## IV

## Final provisions

39. *Invites* Governments and others in a position to do so to provide extrabudgetary resources to help to support the implementation of the present decision;

40. *Requests* the Executive Director of the United Nations Environment Programme to present a report on progress in the implementation of the present decision to the Governing Council/Global Ministerial Environment Forum at its twenty-sixth and twenty-seventh regular sessions.

## Decision 25/6: Long-term strategy on the engagement and involvement of young people in environmental issues

*The Governing Council,*

*Recalling* its decision 22/18 of 9 February 2007 on civil society, and in particular, on section II on a long-term strategy on engagement and involvement of young people in environmental issues,

*Recalling also* the United Nations Environment Programme medium-term strategy for the period 2010–2013, as welcomed by its decision SS.X/3 of 22 February 2008 on the medium-term strategy for the period 2010–2013,

*Recalling further* the midterm progress review of the long-term strategy on engagement and involvement of young people in environmental issues presented to the Governing Council/Global Ministerial Environment Forum at its ninth special session, held in Dubai in February 2006,

1. *Takes note* of the report by the Executive Director containing the final report on the implementation of the long-term strategy;[24]

2. *Welcomes* the alignment of the activities of the second long-term strategy presented by the Executive Director in the above-mentioned report with the six cross-cutting thematic priorities of the medium-term strategy;

3. *Decides* to endorse the activities contained in the second long-term strategy;

4. *Also decides* to implement the second long-term strategy, within available resources, through the programmes of work of the United Nations Environment Programme, as approved by the Governing Council, including through regional and subregional activities;

5. *Requests* the Executive Director to seek additional extrabudgetary resources for the purpose of implementing the strategy;

6. *Invites* Governments in a position to do so to provide extrabudgetary resources, both financial and human, for the implementation of the strategy, and also invites the Executive Director to seek additional private sector funding to ensure full implementation of the strategy;

7. *Requests* the Executive Director to present a midterm progress report on the implementation of the strategy at the twenty-seventh session of the Governing Council/Global Ministerial Environment Forum, in 2013, and to present a final report thereon at the twenty-eighth session of the Governing Council/Global Ministerial Environment Forum, in 2015.

## Decision 25/7: Omnibus decision on reports by the Executive Director

*The Governing Council,*

*Recalling* its decisions 23/5 of 25 February 2005 and 24/6 of 9 February 2007 on small island developing States, decision 24/8 of 9 February 2007 on support to Africa in environmental management and protection and decision 24/16 on the updated water policy and strategy of the United Nations Environment Programme, section A (Freshwater) of 9 February 2007,

*Recalling also* its decision SS.X/3 of 22 February 2008 on the medium-term strategy for the period 2010–2013, which welcomes the United Nations Environment Programme medium-term strategy for the

[24] UNEP/GC/25/10.

period 2010–2013 and, among other things, encourages the Executive Director to continue to strengthen results-based management in the United Nations Environment Programme,

1. *Takes note with appreciation* of the reports by the Executive Director[25] summarizing the activities undertaken by the United Nations Environment Programme as requested by the Governing Council at its twenty-fourth session, in February 2007, in the following areas:

(a) Small island developing States;

(b) Support to Africa in environmental management and protection;

(c) Water policy and strategy of the United Nations Environment Programme;

2. *Requests* the Executive Director to continue to strengthen results-based management in the United Nations Environment Programme and, wherever possible, to provide an account of relevant activities in a results-based report to the Governing Council on the implementation of the programmes of work and budgets.

## Decision 25/8: Waste management

*The Governing Council,*

*Recalling* its decisions 24/5 of 9 February 2007 and SS.X/1 of 22 February 2008 on waste management,

*Recalling also* the Johannesburg Plan of Implementation of the World Summit on Sustainable Development[26] and internationally agreed development goals, including the Millennium Development Goals,

*Conscious* that the increased amount of wastes and the associated hazards that they pose are having a severe impact on the environment at the global, regional and local levels, on natural resources, on public health, on local economies and on living conditions, and thus threatening the attainment of internationally agreed development goals, including the Millennium Development Goals,

*Reaffirming* that waste management is a significant issue, especially for developing countries, and that international organizations should undertake more focused and coordinated actions to fill current gaps in the support given to developing countries' efforts,

*Welcoming* the Bali Declaration on Waste Management for Human Health and Livelihood adopted by the Conference of the Parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal at its ninth meeting, held in Bali in June 2008, which recognized that waste, if not managed in a safe and environmentally sound manner, may trigger serious consequences for the environment, human health and sustainable livelihood, and therefore reaffirmed the commitment to preventing the illegal transboundary movement of hazardous wastes, to minimizing the generation of hazardous wastes and to promoting the safe environmentally sound management of waste within each country,

*Acknowledging* with appreciation the report of the Executive Director on waste management[27] and the need for further implementation of its recommendations, and also the role of the International Environment Technology Centre,

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[25] Documents UNEP/GC.25/6, UNEP/GC.25/7 and UNEP/GC.25/9, respectively.

[26] *Report of the World Summit on Sustainable Development*, Johannesburg, *South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[27] UNEP/GC.25/5/Add.2.

*Recognizing* that stronger efforts and support for means of implementation are needed to assist Governments in developing national policy frameworks to encourage a shift from an end-of-pipe approach in waste management to an integrated waste management approach,

1. *Requests* the Executive Director to provide further assistance to developing countries in their efforts to strengthen national implementation of an integrated waste management approach through the programme of work and budget;

2. *Also requests* the Executive Director to support the implementation of the actions envisaged in the Bali Declaration on Waste Management for Human Health and Livelihood within the mandate of the United Nations Environment Programme, and within available resources as reflected in the programme of work and budget;

3. *Invites* international organizations and Governments and members of the industry and business sector to provide resources and technical assistance to developing countries, including creating a conducive environment for facilitating investment in waste management, to enable them to pursue actively integrated waste management;

4. *Requests* the Executive Director to strengthen support for capacity-building and technology support in the field of waste management, in line with the Bali Strategic Plan for Technology Support and Capacity-building, and further to undertake demonstration and pilot projects on waste management, in cooperation with relevant actors, including among others the United Nations Industrial Development Organization and the United Nations Development Programme, and within available resources as reflected in the programme of work and budget;

5. *Recommends* to the Executive Director that he propose integrated waste management as a key priority area for the United Nations "Delivering as one" initiative;

6. *Calls upon* Governments and other relevant stakeholders to strengthen public-private partnership in waste management to provide additional means for assisting developing countries to implement the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, including for the construction of the necessary facilities and infrastructure in waste management;

7. *Recognizes* the need for more intensive awareness-raising designed to change the attitude of waste generators, particularly industrial and municipal waste generators, consumers and the informal sector with regard to the "3Rs" concept (reduce, reuse and recycle), environmentally sound waste management and, where appropriate, the need for final disposal of wastes in the States in which they were generated;

8. *Invites* Governments and relevant organizations to provide extrabudgetary resources for the implementation of the present decision in supporting the United Nations Environment Programme and other entities including the Secretariat of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal in its programmes and activities;

9. *Invites* the conferences of the parties to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other relevant multilateral environmental agreements, the United Nations Human Settlements Programme, the United Nations Development Programme and other relevant United Nations bodies, international institutions, forums and processes to consider further actions regarding waste management, taking into account the recommendations and the description of the outcome of cooperation with other bodies contained in the report by the Executive Director, and to inform the Governing Council, through the Executive Director, on the outcome of their consideration;

10. *Requests the* Executive Director to forward his report on waste management[28] to the entities referred to in paragraph 9 above;

11. *Also requests* the Executive Director to report on progress in the implementation of the present decision to the Governing Council at its twenty-sixth session.

## Decision 25/9: South-South cooperation in achieving sustainable development

*The Governing Council,*

*Recalling* its decision 24/12 on South-South cooperation in achieving sustainable development,

*Recalling also* decision SS.X/3 on the United Nations Environment Programme medium-term strategy 2010–2013, and welcoming the medium-term strategy, in particular to enhance delivery of the Bali Strategic Plan for Technology Support and Capacity-building,

*Stressing* the particular importance of South-North cooperation and the complementary role of South-South cooperation in the field of sustainable development,

*Recognizing* that the Bali Strategic Plan underscores the importance of South-South cooperation and stresses the need to intensify efforts directed towards capacity-building, including through the exchange of expertise, experiences, information and documentation, to develop human resources and strengthen the institutions of the South,

*Underscoring* the use of South-South cooperation approaches in attaining international agreed development goals, including the Millennium Development Goals,

*Emphasizing* the need to intensify multilateral support for South-South initiatives to tackle common environmental challenges,

*Acknowledging* the need to enhance the coherence of support within the United Nations system to South-South cooperation, inter-agency collaboration, joint programming and the documentation of lessons learned and good practices,

*Acknowledging with appreciation* the report by the Executive Director on South-South cooperation and the relevant activities implemented to date,

*Stressing* the need to continue to develop innovative mechanisms to mobilize resources for South-South and triangular cooperation initiatives,

1. *Requests* the Executive Director to build on the current work and follow-up activities on South-South cooperation and to broaden external consultations to develop strategic partnerships and alliances in support of capacity-building and technology support activities using South-South cooperation arrangements;

2. *Also requests* the Executive Director to develop further and refine the existing strategic and operational guidelines and also to develop a policy guidance for the coherent and coordinated implementation of South-South cooperation approaches across the programme of work of the United Nations Environment Programme;

3. *Further requests* the Executive Director to deepen the cooperation of the United Nations Environment Programme with related United Nations agencies, regions, subregions and existing South-South cooperation initiatives to develop joint activities and synergies of capacity in advancing South-South cooperation in support of capacity-building and technology support in the context of the Bali Strategic Plan and as reflected in the medium-term strategy 2010–2013,

[28] UNEP/GC.25/5/Add.2.

4. *Requests* the Executive Director to initiate efforts towards establishing formal cooperation arrangements with existing mechanisms and centres of excellence active in South-South cooperation, such as the Non-Aligned Movement Centre for South-South Technical Cooperation, to foster cooperation in the field of the environment;

5. *Urges* the Executive Director to strengthen the United Nations Environment Programme coordination mechanism and structure for South-South cooperation, including its regional presence, with a view to enhancing its role and function;

6. *Invites* Governments and other relevant organizations to provide the necessary adequate resources for the work of the United Nations Environment Programme in South-South cooperation and encourages the Executive Director to develop further and implement high-profile demonstrable projects in South-South cooperation in the field of the environment;

7. *Requests* the Executive Director to contribute to the Secretary-General's report to the forthcoming high-level United Nations conference on South-South cooperation and to participate in that Conference;

8. *Also requests* the Executive Director to present a report on the progress in implementing the present decision to the Governing Council/Global Ministerial Environment Forum at its twenty-sixth session.

## Decision 25/10: Intergovernmental science-policy platform on biodiversity and ecosystem services

*The Governing Council,*

*Recalling* its main functions and responsibilities set out in General Assembly resolution 2997 (XXVII) of 15 December 1972, under which the Governing Council is, among other things, to promote the contribution of the relevant international scientific and other professional communities to the acquisition, assessment and exchange of environmental knowledge and information and, as appropriate, to the technical aspects of the formation and implementation of environmental programmes within the United Nations system,

*Recalling also* the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme[29] and the Malmö Ministerial Declaration,[30]

*Noting* the Millennium Ecosystem Assessment and its follow-up process, the consultative process towards an international mechanism of scientific expertise on biodiversity and decision IX/15 of the Conference of the Parties to the Convention on Biological Diversity,

*Noting also* the outcomes of the ad hoc intergovernmental and multi-stakeholder meeting on an intergovernmental science-policy platform on biodiversity and ecosystem services held in Putrajaya, Malaysia, from 10 to 12 November 2008,

*Expressing its appreciation* to the Government of Malaysia for hosting that meeting,

*Recognizing* and emphasizing the need to strengthen and improve the science-policy interface for biodiversity and ecosystem services for human well-being and sustainable development at all levels,

[29] Governing Council decision 19/1, annex. Adoption by the General Assembly: Official Records of the General Assembly, Fiftieth Session, Supplement No. 25 (A/50/25), chap. IV, annex.

[30] Governing Council decision SS.VI/1, annex.

*Taking note* of the preliminary report on the gap analysis carried out by the United Nations Environment Programme to facilitate further discussions on the improvement of the science-policy interface on biodiversity end ecosystem services for human well-being,[31]

*Having considered* the report by the Executive Director,[32]

1. *Invites* Governments and relevant organizations to continue to explore mechanisms to improve the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development, taking into account the special need to develop and maintain the technical and scientific capacity of developing countries in biodiversity-related issues;

2. *Requests* the Executive Director to undertake a further process to support efforts by Governments and relevant organizations to explore mechanisms to improve and to strengthen the science-policy interface for biodiversity and ecosystem services for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development, aiming to report on its progress at the special session on biodiversity of the sixty-fifth session of the General Assembly and other relevant meetings;

3. *Also requests* the Executive Director to convene, for the purpose indicated in paragraph 2, a second intergovernmental and multi-stakeholder meeting at the earliest possible convenience in 2009 following completion of the full gap analysis on exploring mechanisms to improve the science-policy interface for the conservation and sustainable use of biodiversity, long-term human well-being and sustainable development, subject to the availability of extrabudgetary resources;

4. *Invites* Governments and organizations in a position to do so to provide extrabudgetary resources for the above-mentioned process.

## Decision 25/11: Environmental law

### I

### Fourth Programme for the Development and Periodic Review of Environmental Law

*The Governing Council,*

*Recalling* its decision 21/23 of 9 February 2001 on the Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-First Century,

*Recalling also* the mandate of the United Nations Environment Programme in the field of the environment as reflected in Agenda 21,[33] the Nairobi Declaration on the Role and Mandate of the United Nations Environment Programme, the Malmö Ministerial Declaration[34] and the Programme for the Further Implementation of Agenda 21 adopted by the General Assembly in resolution S-19/2 on the Programme for the Further Implementation of Agenda 21,

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[31] UNEP/GC.25/INF/30.

[32] UNEP/GC.25/15.

[33] *Report of the United Nations Conference on Environment and Development, Rio de Janeiro, 3-14 June 1992* (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex II.

[34] Governing Council decision SS.VI/I, annex.

*Recalling further* the Plan of Implementation of the World Summit on Sustainable Development,[35] which emphasized the need for full implementation of decision SS.VII/1 on international environmental governance of 15 February 2002,

*Recalling* that the United Nations Environment Programme was to prepare a fourth programme for the development and periodic review of environmental law,[36]

*Having considered* the outcome of the meeting of senior government officials expert in environmental law held in Nairobi from 29 September to 3 October 2008 to prepare a fourth programme for the development and periodic review of environmental law,

1. *Adopts* the fourth Programme for the Development and Periodic Review of Environmental Law, as set out in annex I to the report of the meeting of senior government officials expert in environmental law to prepare a fourth programme for the development and periodic review of environmental law,[37] as a broad strategy for the international law community and the United Nations Environment Programme in formulating the activities in the field of environmental law for the decade commencing in 2010;

2. *Requests* the Executive Director to implement the programme, subject to the availability of resources, in a manner fully consistent with the programmes of work of the United Nations Environment Programme, as approved by the Governing Council and for the period 2010–2013 taking into account the United Nations Environment Programme medium-term strategy;

3. *Also requests* the Executive Director to implement the programme in close collaboration with States, conferences of the Parties to and secretariats of multilateral environmental agreements, other international organizations, non-State stakeholders and individuals, while fully respecting the mandate of multilateral environmental agreements;

4. *Further requests* the Executive Director to undertake a midterm review of the implementation and effectiveness of the Programme no later than at the twenty-eighth session of the Governing Council in 2015 and to report at the thirtieth session in 2019 on the impact of the Programme.

## II

## Draft guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters

*The Governing Council,*

*Recalling* principle 10 of the Rio Declaration on Environment and Development,[38] the Malmö

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[35] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication, Sales No. E.03.II.A.1 and corrigendum), chap. I, resolution 2, annex.

[36] A/63/6 and UNEP/Env.Law/MTV4/IG/1/4.

[37] UNEP/Env.Law/MTV4/IG/2/2, reproduced as document GC.25/INF/15.

[38] Principle 10 of the Declaration reads as follows: "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided".

Ministerial Declaration,[39] and its decisions 20/4 of 4 February 1999, 20/6 of 5 February 1999, 21/24 of 9 February 2001 and 22/17 of 7 February 2003,

*Recalling also* the report of the Executive Director prepared in pursuance of decision 20/4 on the law and practice relating to access to information on the environment, public participation in processes leading to decision-making and access to judicial and administrative procedures relating to environmental matters, and the report on international instruments reflecting principle 10 of the Rio Declaration on Environment and Development, prepared in pursuance of decision 21/24, as presented to the Governing Council/Global Ministerial Environment Forum at its seventh special session,[40]

*Taking note* of the Plan of Implementation of the World Summit on Sustainable Development, in particular paragraphs 162–167,[41]

*Recognizing* that access to environmental information enhances the transparency of environmental governance and that it is a prerequisite for effective public participation in environmental decision-making, that public participation in environmental decision-making generally improves decision-making and enhances its legitimacy, and that access to justice in environmental matters provides a means to permit affected parties to gain redress and to assist in the implementation and enforcement of legislation related to the environment,

*Noting* recent developments at the national, regional and international levels, including the tenth anniversary of the adoption of the United Nations Economic Commission for Europe Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters, in the application of Principle 10 of the Rio Declaration on Environment and Development,

*Noting with appreciation* the outcomes of the high-level advisory meeting on environmental dispute avoidance and settlement, organized in partnership with the Permanent Court of Arbitration, in The Hague on 2 and 3 November 2006 and the work of, among others, the senior high-level experts and high-level judges involved in the development of the draft guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters,

*Noting also with appreciation* the outcomes of the consultative meeting of government officials and experts to review and further develop draft guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters, held in Nairobi on 20 and 21 June 2008,[42]

1. *Takes note* of the draft guidelines for the development of national legislation on access to information, public participation and access to justice in environmental matters;[43]

2. *Requests* the secretariat to carry out further work on the guidelines with a view to their adoption by the Governing Council/Global Ministerial Environment Forum at its next special session.

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[39] Governing Council decision SS.VII, annex, para. 16, reads as follows: "The role of civil society at all levels should be strengthened through freedom of access to environmental information to all, broad participation in environmental decision-making, as well as access to justice on environmental issues. Governments should promote conditions to facilitate the ability of all parts of society to have a voice and to play an active role in creating a sustainable future".

[40] UNEP/GCSS.VII/INF/7.

[41] *Report of the World Summit on Sustainable Development, Johannesburg, South Africa, 26 August-4 September 2002* (United Nations publication Sales No. E.03.II.A.1) chap. I resolution 2, annex.

[42] UNEP/Env.Law/CM.Acc/1/2.

[43] Document UNEP/GC.25/INF/15/Add.2, annex.

## III

## Draft guidelines for the development of national legislation on liability, response action and compensation for damage caused by activities dangerous to the environment

*The Governing Council,*

*Recalling* principle 13 of the Rio Declaration on Environment and Development,[44] which stipulates that "States shall develop national law regarding liability and compensation for the victims of pollution and other environmental damage",

*Recalling also* that the United Nations Environment Programme was requested to assist in this process by the Montevideo Programme for the Development and Periodic Review of Environmental Law for the First Decade of the Twenty-First Century, which, when adopted by the Governing Council of the United Nations Environment Programme in 2001 by decision 21/23, incorporated special programme area 3 on prevention and mitigation of environmental damage and called for the strengthening and development of environmental law, including issues on liability and compensation for environmental damage, and promoting the use of effective civil liability mechanisms to encourage compliance with environmental law,

*Recognizing* that the existence of national legislation on liability and compensation for environmental damage resulting from human activities has been largely recognized as a significant element for the protection of the environment,

*Noting* that the recent developments at the international level under the auspices of various bodies, such as the International Maritime Organization, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and the Convention on Biological Diversity are mostly limited to specific areas,

*Noting with appreciation* the outcomes of the two meetings of United Nations Environment Programme high-level advisory expert group on liability and compensation for environmental damage held in Geneva in on 16 and 17 January 2007 and 31 October–2 November 2007, respectively,

*Noting also with appreciation* the outcomes of the consultative meeting of government officials and experts, at which participants reviewed and further developed the draft guidelines for the development of national legislation on liability, redress and compensation for damage caused by activities dangerous to the environment, held in Nairobi on 18 and 19 June 2008,[45]

1. *Takes note* of the draft guidelines for the development of national legislation on liability, response action and compensation for damage caused by activities dangerous to the environment;[46]

2. *Requests* the secretariat to carry out further work on the guidelines with a view to adoption by the Governing Council/Global Ministerial Environment Forum at its next special session.

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[44] *Report of the United Nations Conference on Environment and Development*, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

[45] UNEP/Env.Law/CM/1/2.

[46] Document UNEP/GC.25/INF/15/Add.3, annex I.

## Decision 25/12: Environmental situation in the Gaza Strip

*The Governing Council,*

*Recalling* decision GCSS.VII/7 of 15 February 2002 on the environmental situation in the occupied Palestinian territories,

*Recalling also* the desk study on the environment in the occupied Palestinian territories published by the United Nations Environment Programme in 2003[47] and the environmental assessment of the areas disengaged by Israel in the Gaza Strip issued by the United Nations Environment Programme in 2006,[48]

*Noting with appreciation* the participation of the United Nations Environment Programme in the United Nations-led early recovery rapid needs assessment mission carried out from 25 January to 4 February 2009,

*Emphasizing* the need for States to protect and preserve the environment in accordance with their international legal obligations,

*Taking into account* the 1992 Rio Declaration on Environment and Development[49] and all its relevant principles,

*Expressing its deep concern* at the negative implications of the environmental impacts on the Gaza Strip caused by the escalation of violence and hostilities during December 2008 and January 2009,

*Expressing great concern* about the environment in the Gaza Strip,

1. *Requests* the United Nations Environment Programme to participate in the March 2009 Cairo conference on the reconstruction of Gaza, at which the report entitled "Gaza Early Recovery Rapid Needs Assessment" will be presented;

2. *Requests* the Executive Director of the United Nations Environment Programme to deploy immediately thereafter a mission of environmental experts to Gaza in coordination with other relevant international organizations to assess the impacts on the natural resources and environment of the Gaza Strip caused by the escalation of violence and hostilities; to carry out an economic evaluation of the rehabilitation and restoration of the environmental damage; and to report to the Secretary-General thereon;

3. *Also requests* the Executive Director of the United Nations Environment Programme to initiate and facilitate the implementation of the recommendations made in the desk study on the environment in the occupied Palestinian Territories published by the United Nations Environment Programme in 2003 and the environmental assessment of the areas disengaged by Israel in the Gaza Strip issued by the United Nations Environment Programme in 2006;

4. *Calls upon* the parties concerned to protect the environment as a matter of mutual interest in the region;

5. *Calls upon* member States and United Nations agencies to allocate adequate resources and provide technical, logistical and financial support and assistance to ensure the success of the United Nations Environment Programme mission of environmental experts to the Gaza Strip; and to implement the recommendations of the above-mentioned United Nations Environment Programme studies;

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[47] http://www.unep.org/download_file.multilingual.asp?FileID=105.

[48] http://postconflict.unep.ch/publications/UNEP_Gaza_web.pdf.

[49] *Report of the United Nations Conference on Environment and Development*, Rio de Janeiro, 3-14 June 1992 (United Nations publication, Sales No. E.93.I.8 and corrigenda), vol. I: Resolutions adopted by the Conference, resolution 1, annex I.

6. *Requests* the Executive Director of the United Nations Environment Programme to submit a follow-up report on the findings, results and recommendations to the Governing Council/Global Ministerial Environment Forum at its eleventh special session, in 2010.

## Decision 25/13: Proposed biennial programme and support budgets for the biennium 2010-2011

*The Governing Council,*

*Having considered* the proposed biennial programme and support budgets for 2010–2011[50] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[51]

1. *Approves* the programme of work for the biennium 2010–2011 taking into account the relevant decisions of the Governing Council;

2. *Also approves* appropriations for the Environment Fund in the amount of 180 million United States dollars for the purposes indicated in the following table:

**2010 – 2011 biennial programme and support budgets**
(in thousands of United States dollars)

| **Programme of work and thematic subprogramme** | **Proposed budget** |
|---|---|
| Climate change | 28 767 |
| Disaster and conflicts | 10 087 |
| Ecosystem management | 33 987 |
| Environmental governance | 40 229 |
| Harmful substances and hazardous waste | 17 985 |
| Resource efficiency | 24 945 |
| **Fund programme activities** | **156 000** |
| Fund programme reserve | 6 000 |
| **Total programme resources** | **162 000** |
| | |
| Support budget | 18 000 |
| **Grand total** | **180 000** |

3. *Welcomes* the extensive consultations that have taken place between the Executive Director and the Committee of Permanent Representatives on the preparation of the draft programme of work and budgets for the biennium 2010–2011 and requests the Executive Director to hold such consultations for the preparation of all future biennial budgets and programmes of work;

[50] UNEP/GC.25/12.
[51] UNEP/GC.25/12/Add.1.

4. *Also welcomes* existing, and encourages continued, transparency and the sharing of detailed information as it becomes available in the process of developing activities by the United Nations Environment Programme to support the programme of work for the biennium 2010–2011;

5. *Approves* the proposed staffing tables under the Environment Fund biennial support budget for 2010–2011 as set forth in part III of the present decision;

6. *Authorizes* the Executive Director, with a view to ensuring better conformity with the practices in other United Nations bodies, to reallocate resources among budget lines up to a maximum of 10 per cent of the appropriation to which the resources are to be reallocated;

7. *Also authorizes* that, should the Executive Director need to reallocate funds in excess of 10 per cent and up to 20 per cent of an appropriation, he does so in consultation with the Committee of Permanent Representatives;

8. *Further authorizes* the Executive Director to enter into forward commitments not exceeding 20 million United States dollars for Environment Fund programme activities for the biennium 2012–2013;

9. *Requests* the Executive Director to continue shifting emphasis from delivery of outputs to achievement of results, ensuring that United Nations Environment Programme managers at all levels take responsibility for the achievement of programme objectives and the efficient and transparent use of resources to that end, subject to United Nations processes of review, evaluation and oversight;

10. *Also requests* the Executive Director to continue consultations with Member States as he further develops the process to implement the programme of work and budgets for the biennium 2010–2011, and to provide Member States, through the Committee of Permanent Representatives, with a document containing additional information on internal prioritization at the expected accomplishment level within each subprogramme of the programme of work for the biennium 2010–2011 prior to its implementation, and to include such information in future programmes of work;

11. *Further requests* the Executive Director to report to Governments, through the Committee of Permanent Representatives, on a half-yearly basis, and to the Governing Council at its regular and special sessions on the progress made by each of the subprogrammes and their relevant expected accomplishments, and on the execution of United Nations Environment Programme budgets including voluntary contributions and expenditures, and reallocations of the appropriations or adjustments of the allocations;

12. *Requests* the Executive Director to ensure that earmarked contributions to the United Nations Environment Programme, apart from those for which the United Nations Environment Programme merely acts as treasurer, are used to fund activities which are in line with the programme of work;

13. *Calls for* an allocation of an appropriate share of the United Nations regular budget to the United Nations Environment Programme;

14. *Reiterates* the need for stable, adequate and predictable financial resources for the United Nations Environment Programme and, in accordance with General Assembly resolution 2997 (XXVII) of 15 December 1972, which underlined the need to consider the adequate reflection of all the administrative and management costs of the Environment Programme in the context of the United Nations regular budget, looks forward to the implementation of the requests of the General Assembly to the United Nations Secretary-General to keep the resource needs of the United Nations Environment Programme and the United Nations Office at Nairobi under review, so as to permit the delivery, in an effective manner, of necessary services to the

United Nations Environment Programme and the other United Nations organs and organizations in Nairobi;

15. *Requests* the Executive Director to prepare, in consultation with the Committee of Permanent Representatives, for the biennium 2012–2013 a programme of work consisting of Environment Fund programme activities, giving appropriate consideration to the current progress and respective future prioritization of each subprogramme;

16. *Also requests* the Executive Director to continue submitting, in consultation with the Committee of Permanent Representatives, a prioritized, results-oriented and streamlined programme of work and budgets for the biennium 2012–2013 for consideration and approval by the Governing Council at its twenty-sixth session;

17. *Further requests* the Executive Director to include in the draft programme of work and budgets for the biennium 2012–2013, to the extent possible, information that links divisional resources to subprogrammes;

18. *Approves* the recommendation by the Executive Director that the outstanding pledges for the period 2003–2004 should not be regarded as assets for accounting purposes.

## Decision 25/14: Management of trust funds and earmarked contributions

*The Governing Council,*

*Having considered* the report of the Executive Director on the management of trust funds,

### A. Trust funds in support of the United Nations Environment Programme programme of work:

1. *Notes* and approves the establishment of the following trust funds since the twenty-fourth session of the Governing Council:

**1. Technical cooperation trust funds:**

(i) **CIL** – Technical Cooperation Trust Fund to Support the Implementation of the Strategic Plan for Remediation Activities Following Toxic Waste Incident in Abidjan, Côte d'Ivoire, which was established in 2007 with an expiry date of 31 December 2009;

(ii) **IEL** – Technical Cooperation Trust Fund for Priority Projects to improve the Environment in the Democratic People's Republic of Korea (financed by the Republic of Korea), which was established in 2007 with an expiry date of 31 December 2012;

(iii) **MDL** – Technical Cooperation Trust Fund for UNEP's Implementation of the Millennium Development Goals Achievement Fund, which was established in 2007 with an expiry date of 31 December 2011;

(iv) **PML** – Technical Cooperation Trust Fund for the Implementation of Memorandum of Cooperation between UNEP and the Government of Portugal (financed by the Government of Portugal), which was established in 2007 with no expiry date;

2. *Approves* the extensions of the following trust funds subject to the Executive Director of the United Nations Environment Programme receiving requests to do so from the relevant Governments or donors:

**2. General trust funds:**

(i) **AML** – General Trust Fund for the African Ministerial Conference on the Environment (AMCEN), which is extended through 31 December 2011;

(ii) **CWL** – General Trust Fund for the African Ministers' Council on Water (AMCOW), which is extended through 31 December 2011;

(iii) **ETL** – Trust Fund for the Environmental Training Network in Latin America and the Caribbean, with no fixed expiry date;

(iv) **MCL** – General Trust Fund in support of Activities on Mercury and its Compounds, which is extended through 31 December 2011; and

(v) **WPL** – General Trust Fund to provide Support to the Global Environment Monitoring System/Water Programme Office and to Promote its Activities, which is extended through 31 December 2011.

**3. Technical cooperation trust funds:**

(i) **BPL** – Technical Cooperation Trust Fund for the Implementation of the Agreement with Belgium (financed by the Government of Belgium), which is extended through 31 December 2011;

(ii) **CIL** – Technical Cooperation Trust Fund to Support the Implementation of the Strategic Plan for Remediation Activities Following Toxic Waste Incident in Abidjan, Côte d'Ivoire, which is extended through 31 December 2012;

(iii) **GWL** – Technical Cooperation Trust Fund for the Provision of Support to the Global International Global Waters Projects (financed by the Government of Finland), which is extended through 31 December 2011;

(iv) **IAL** – Technical Cooperation Trust Fund for Ireland Aid Multilateral Environment Fund for Africa (financed by the Government of Ireland), which is extended through 31 December 2013;

(v) **REL** – Technical Cooperation Trust Fund for the Promotion of Renewable Energy in the Mediterranean Region (financed by the Government of Italy), which is extended through 31 December 2011;

(vi) **SEL** – Technical Cooperation Trust Fund for the Implementation of the Agreement with Sweden, which is extended through 31 December 2012;

(vii) **TCL** – Technical Cooperation Trust Fund for the Provision of Junior Professional Officers (financed by the Nordic Governments through the Government of Sweden), with no fixed expiry date;

3. *Also approves* the closure of the following trust funds by the Executive Director subject to completion of their activities and clearance of all financial implications:

**4. General trust fund:**

**YPL** – General Trust Fund for a Long-Term Strategy for Engaging and Increasing Participation of Youth in Environmental Issues and Activities – Tunza Fund;

## B. Trust Funds in support of regional seas programmes, conventions, protocols and special funds:

4. *Notes* and approves the establishment of the following trust funds since the twenty-fourth session of the Governing Council:

**1. General trust fund:**

**SRL** – General Trust Fund for Voluntary Contributions in respect of the United Nations Scientific Committee on Effects of Atomic Radiation (UNSCEAR), which was established in 2007 with no fixed expiry date;

5. *Approves* the extensions of the following trust funds subject to the Executive Director of the United Nations Environment Programme receiving requests to do so from the relevant Governments or contracting parties:

**2. General trust funds:**

(i) **AVL** – General Trust Fund for Voluntary Contribution in respect of the Agreement on the Conservation of African-Eurasian Migratory Waterbirds, which is extended through 31 December 2012;

(ii) **AWL** – General Trust Fund for the African-Eurasian Waterbirds, which is extended through 31 December 2012;

(iii) **BAL** – General Trust Fund for the Conservation of Small Cetaceans of the Baltics and North Seas (ASCOBANS), which is extended through 31 December 2012;

(iv) **BCL** – Trust Fund for the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which is extended through 31 December 2013;

(v) **BDL** – Trust Fund to Assist Developing Countries and other Countries in Need of Technical Assistance in the Implementation of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, which is extended through 31 December 2013;

(vi) **BEL** – General Trust Fund for Additional Voluntary Contributions in Support of Approved Activities under the Convention on Biological Diversity, which is extended through 31 December 2011;

(vii) **BGL** – General Trust Fund for the Core Programme Budget for the Biosafety Protocol, which is extended through 31 December 2011;

(viii) **BHL** – Special Voluntary Trust Fund for Additional Voluntary Contributions in Support of Approved Activities of the Biosafety Protocol, which is extended through 31 December 2011;

(ix) **BTL** – General Trust Fund for the Conservation of European Bats (EUROBATS), which is extended through 31 December 2014;

(x) **BYL** – General Trust Fund for the Convention on Biological Diversity, which is extended through 31 December 2011;

(xi) **BZL** – General Trust Fund for Voluntary Contributions to Facilitate the Participation of Parties in the Process of the Convention on Biological Diversity, which is extended through 31 December 2011;

(xii) **CRL** – Regional Trust Fund for the Implementation of the Action Plan for the Caribbean Environment Programme, which is extended through 31 December 2011;

(xiii) **ESL** – Regional Trust Fund for the Implementation of the Action Plan for the Protection and Development of the Marine Environment and Coastal Areas of East Asian Seas, which is extended through 31 December 2011;

(xiv) **MEL** – Trust Fund for the Protection of the Mediterranean Sea against Pollution, which is extended through 31 December 2011;

(xv) **MPL** – Trust Fund for the Montreal Protocol on Substances that Deplete the Ozone Layer, which is extended through 31 December 2015;

(xvi) **MSL** – Trust Fund for the Convention on Conservation of Migratory Species of Wild Animals, which is extended through 31 December 2011;

(xvii) **MVL** – General Trust Fund for Voluntary Contributions in Support of the Convention on the Conservation of Migratory Species of Wild Animals, which is extended through 31 December 2011;

(xviii) **PNL** – General Trust Fund for the Protection, Management and Development of the Coastal and Marine Environment and the Resources of the Northwest Pacific Region, which is extended through 31 December 2011;

(xix) **ROL** – General Trust Fund for the Operational Budget of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which is extended through 31 December 2011;

(xx) **VCL** – Trust Fund for the Vienna Convention for the Protection of the Ozone Layer, which is extended through 31 December 2015;

3. **Technical cooperation trust funds:**

(i) **BIL** – Special Voluntary Trust Fund for Voluntary Contributions to Facilitate the Participation of Parties, in particular the Least Developed and the Small Island Developing States among Them, and Parties with Economies in Transition (Biosafety Protocol), which is extended through 31 December 2011;

(ii) **RVL** – Special Trust fund for the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which is extended through 31 December 2011;

(iii) **VBL** – Voluntary Trust Fund to Facilitate the Participation of Indigenous and Local Communities in the work of Convention on Biological Diversity, which is extended through 31 December 2011.

## Decision 25/15: Supplementary budget

*The Governing Council,*

*Recalling* its decision 24/9, which approved the programme of work and budget for the biennium 2008–2009 in the amount of 152 million United States dollars;

*Taking note* of the latest resources projections under the Environment Fund for the biennium 2008–2009, which estimate available resources to reach 176 million United States dollars;

*Having considered* the proposed supplementary programme of work and budget for 2008–2009[52] and the related report of the Advisory Committee on Administrative and Budgetary Questions,[53]

1. *Approves* the supplementary programme of work for the biennium 2008–2009 taking into account the relevant decisions of the Governing Council;

2. *Also approves* appropriations for the Environment Fund in the amount of 171 million United States dollars for the purposes indicated in the following table:[54]

| **2008–2009 biennial programme and support budget** (in thousands of United States dollars) | |
|---|---|
| **Programme of work** | **Proposed budget** |
| Environmental assessment and early warning | 28 150 |
| Environmental law and conventions | 14 859 |
| Policy implementation | 21 382 |
| Technology, industry and economics | 30 944 |
| Regional cooperation | 42 229 |
| Communication and public information | 9 636 |
| **Fund programme activities** | **147 200** |
| Fund programme reserve | 6 900 |
| **Total programme resources** | **154 100** |
| Support budget | 16 900 |
| **Grand total** | **171 000** |

3. *Authorizes* the Executive Director to increase the financial reserve by up to 5 million United States dollars in line with previous decisions of the Governing Council;

4. *Decides* that all other provisions of decision 24/9 with regard to the management of funds and the reporting on the implementation of the programme by the Executive Director remain unaltered.

## Decision 25/16: Support to Africa in environmental management and protection

*The Governing Council,*

*Recalling* Governing Council decision 24/8 of 9 February 2007 on support to Africa in environmental management and protection,

[52] UNEP/GC.25/14.

[53] UNEP/GC.25/12/Add.1.

[54] The amount of the supplementary fund allocated to each of the subprogrammes is set out in document UNEP/GC.25/14.

*Recalling also* the outcomes of major United Nations conferences and summits, African Union summits and related African meetings in which the special challenges facing Africa have been identified and commitments made to support Africa in achieving sustainable development,

*Recalling further* decisions of the Governing Council/Global Ministerial Environment Forum and United Nations General Assembly resolutions on the specific needs of Africa,

*Recalling* the decisions of the twelfth session of the African Ministerial Conference on the Environment on enhancing the implementation of the environmental action plan of the New Partnership for Africa's Development, particularly the decision on climate change,

*Aware* of the serious environmental challenges facing Africa as articulated in both the *Africa Environment Outlook* report and the publication *Africa: Atlas of Our Changing Environment*, together with the increasing vulnerability of the continent to climate change, expanding land degradation, water quality and scarcity, ecosystem degradation, plight of endangered species, deforestation and other environmental challenges facing the region,

*Aware also* of the pressing need to strengthen Africa's regional environmental governance through coherent policy review analysis, development and capacity-building,

*Aware further* of the pressing need for continued strong support by the United Nations Environment Programme to the African Union regional ministerial bodies, such as the African Ministerial Conference on the Environment, the African Ministers' Council on Water, the Forum of Energy Ministers of Africa and the African Ministerial Council on Science and Technology,

*Aware* of the acute need to strengthen existing regional environmental agreements,

*Aware also* of the need to continue to strengthen the strategic role of the United Nations Environment Programme in the work of the five African subregional economic communities, all of which have developed subregional environmental programmes or subregional environmental action plans within the framework of the environment initiative of the New Partnership for Africa's Development, and aware that there are also subregional ministerial bodies on the environment in each of the subregions,

*Expressing appreciation* to the Executive Director for the commendable measures taken to date in strengthening the presence of the United Nations Environment Programme in Africa and to add momentum to relevant pan-African mechanisms, such as the African Union Authority and its specialized technical committees, notably the African Ministerial Conference on the Environment and the African Ministers' Council on Water, and to strengthen the engagement of the United Nations Environment Programme with the New Partnership for Africa's Development,

*Noting* the decision by the African Union Authority to transform formally the African Ministerial Conference on the Environment and the African Ministers' Council on Water into specialized technical committees,

1. *Requests* the Executive Director, within the context of the approved programme of work and budget for the biennium 2010–2011 and the medium-term strategy for the period 2010–2013:

(a) To continue extending implementation and institutional support to the New Partnership for Africa's Development, including the subregional environmental action plans;

(b) To strengthen effectively the Africa Environment Outlook process as a tool for monitoring environmental challenges and sustainable development in Africa and as a framework for environmental reporting at the national and subregional levels;

(c) To support the implementation of the medium-term strategy for the period 2010–2013 through the programme of work in a more coordinated and coherent manner for greater impact in Africa and continue to seek extrabudgetary funding therefor;

(d) To work closely with the African Union Authority, the regional economic communities, the secretariat of the New Partnership for Africa's Development and other partners to enhance the strategic role of the United Nations Environment Programme within the framework of the "Delivering as one" approach;

(e) To continue to enhance the capacity of the regional office for Africa in the context of the Bali Strategic Plan for Technology Support and Capacity-building to lead the delivery of the programme of work of the United Nations Environment Programme in Africa;

(f) To work with the United Nations Economic Commission for Africa in providing the requisite technical support to the African climate policy centre, once established, to promote the mainstreaming of climate change into social and economic development and planning processes;

(g) To collaborate with African development partners and the African Union Authority to assist and support African countries in the strengthening and implementation of regional environmental agreements;

(h) To strengthen working relationships with the specialized technical committees of the African Union, particularly the technical committees responsible for agriculture, rural economy and water and environment, to facilitate the mainstreaming of the environment into the work of the African Union Authority;

(i) To continue supporting the African Ministerial Conference on the Environment and the African Ministers' Council on Water in the implementation of their work programmes;

(j) To continue mobilizing financial resources to build the capacity of African countries in integrated and harmonized assessment and reporting, including environmental data and information management;

(k) To continue to support the use of, and to update as appropriate, the publication *Africa: Atlas of our Changing Environment*, and the underlying data, as a tool for policy decision-making, and to assist countries in developing capacities to produce their own national atlases;

(l) To continue to provide support to African countries to strengthen their capacity to mainstream technology-supported learning to enhance the delivery of environmental education and training programmes;

2. *Also requests* the Executive Director to report on the implementation of the present decision, as part of the reporting on the programme of work and budgets, to the Governing Council at its twenty-sixth session.

## Decision 25/17: Provisional agendas, dates and venues for the eleventh special session of the Governing Council/Global Ministerial Environment Forum and the twenty-sixth session of the Governing Council/Global Ministerial Environment Forum

*The Governing Council,*

*Recalling* General Assembly resolutions 2997 (XXVII) of 15 December 1972 and 53/242 of 28 July 1999,

*Recalling also* General Assembly resolutions 47/202 A (paragraph 17) of 22 December 1992, 54/248 of 23 December 1999, 56/242 of 24 December 2001, 57/283 B (paragraphs 9–11 of section II) of 15 April 2003, 61/236 (paragraph 9 of section II A) of 22 December 2006, 62/225 (paragraph 9 of section II A) of 22 December 2007 and 63/248 (paragraph 9 of section II A) of 24 December 2008,

*Recalling further* its own decision SS.VII/1 of 15 February 2002,

## I

## Eleventh special session of the Governing Council/Global Ministerial Environment Forum

1. *Decides* to hold the eleventh special session of the Governing Council/Global Ministerial Environment Forum in 2010;[55]

2. *Approves* the following provisional agenda for the eleventh special session of the Governing Council/Global Ministerial Environment Forum:

1. Opening of the session.
2. Organization of work.
   (a) Adoption of the agenda;
   (b) Organization of work.
3. Credentials of representatives.
4. Emerging policy issues: Environment in the multilateral system.
5. Other matters.
6. Adoption of the report.
7. Closure of the session.

## II

## Twenty-sixth session of the Governing Council/Global Ministerial Environment Forum

3. *Decides* that, in accordance with rules 1, 2 and 4 of its rules of procedure, the twenty-sixth session of the Governing Council/Global Ministerial Environment Forum shall be held in Nairobi in 2011;[56]

4. *Decides also* that informal consultations between heads of delegations should be held on the afternoon of the day before the opening of the twenty-sixth session;

5. *Approves* the following provisional agenda for the twenty-sixth session of the Governing Council/Global Ministerial Environment Forum:

1. Opening of the session.
2. Organization of work:
   (a) Election of officers;
   (b) Adoption of the agenda and organization of work.
3. Credentials of representatives.
4. Policy issues:

[55] The dates and venue of the eleventh special session of the Governing Council/Global Ministerial Environment Forum will be decided in consultation with the Bureau of the Governing Council and the Member States.

[56] The dates of the twenty-sixth session of the Governing Council/Global Ministerial Environment Forum will be decided in consultation with the Bureau of the Governing Council and the Member States.

(a) State of the environment;

(b) Emerging policy issues;

(c) International environmental governance;

(d) Coordination and cooperation within the United Nations system on environmental matters;

(e) Coordination and cooperation with major groups;

(f) Environment and development.

5. Follow-up to and implementation of the outcomes of United Nations summits and major intergovernmental meetings, including the decisions of the Governing Council.

6. Budget and programme of work for the biennium 2012–2013 and the Environment Fund and other budgetary matters.

7. Provisional agenda, date and venue of future sessions of the Governing Council/Global Ministerial Environment Forum:

(a) Twelfth special session of the Governing Council/Global Ministerial Environment Forum;

(b) Twenty-seventh session of the Governing Council/Global Ministerial Environment Forum.

8. Other matters.

9. Adoption of the report.

10. Closure of the session.

# Annex II

## President's summary of the discussions by ministers and heads of delegation at the twenty-fifth session of the Governing Council/Global Ministerial Environment Forum of the United Nations Environment Programme

1. The United Nations Environment Programme (UNEP) Governing Council/Global Ministerial Environment Forum is the high-level environment policy forum of the United Nations. The Council/Forum brings the world's environment ministers together to "review important and emerging policy issues in the field of the environment".

2. The Council/Forum provides broad policy advice and guidance with the aim, among others, of promoting international cooperation in the field of the environment.

3. The twenty-fifth session of the Council/Forum was convened from 16 to 20 February 2009 in Nairobi. During the high-level segment of the session delegates from 147 countries, including 110 ministers and deputy ministers and 192 representatives of major groups and stakeholders, discussed two separate but related themes:

(a) "Globalization and the environment – global crises: national chaos?";

(b) "International environmental governance (IEG) and United nations reform – IEG: help or hindrance? – IEG from a country perspective".

4. The discussions were informed by two succinct and thought-provoking background papers prepared as pre-discussion briefings for the participants and by the outcomes of two pre-session events, the high-level Gender Forum and the Civil Society Forum.

5. The high-level segment also looked ahead to forthcoming events where multiple challenges and opportunities would be addressed, such as the seventeenth session of the United Nations Commission on Sustainable Development and the World Ocean Conference, the latter to be held in May 2009 in Manado, Indonesia.

6. Ministers reflected too on the preceding 12 months, during which time the world had witnessed the emergence of multiple global crises related to food, energy, freshwater and finance and rapidly rising and falling energy and food prices, global food shortages and increasing water scarcity.

7. Ministers also discussed the additional complexity resulting from climate change, which they observed was exacerbating the impact of the other global crises, including through a significant impact on the world's oceans. The effects, they noted, were felt across the globe and could have implications for the achievement of the Millennium Development Goals.

8. Much of the attention of Governments and the international community had recently been directed towards addressing the financial crisis, and ministers noted that responses to the financial crisis would have a direct bearing on the resolution or mitigation of other challenges.

9. In line with the desire of ministers, the present President's summary identifies some of the main challenges and opportunities that were highlighted by ministers with respect to each of the main themes discussed, together with clear messages for suggested action to the world's Governments, the United Nations' system, civil society and the private sector.

10. As in previous years, the President's summary is a reflection of the interactive dialogue that occurred among the ministers and other heads of delegation attending the twenty-fifth session of the Council/Forum. It reflects the ideas presented and discussed rather than a consensus view of all points raised by participants.

# Challenges, opportunities and messages

## Theme I: Global crises: national chaos? – Towards a green economy and coping with multiple challenges and capturing the opportunities

### Challenges

***"Ministers of environment must be ministers for sustained economic success."***

Creating a green economy goes hand-in-hand with sustainable development and the achievement of the Millennium Development Goals.

Government alone cannot manage and fund the transition to a green economy; the private sector and civil society play a fundamental role but require incentives and an appropriate investment environment.

The green economy is about consumption as well as production. Sustainable production and consumption strategies are required for greening the economy.

There is a rich range of promising examples of green projects and initiatives from across all regions: in many instances, these efforts require significant additional investment and further incentives for scaling up. In this context, there is a need for financial assistance to developing countries and countries with economies in transition, adapted to each country's particular circumstances, and capacity-building.

### Governance

***"We need to tilt the policy playing field toward the green economy."***

(a) Policies for the green economy should contribute to poverty eradication, which requires good governance at national and international levels;

(b) Effective global and national environmental architecture requires coherent and timely responses to multiple environmental, social and economic challenges in order to achieve the transition to a green economy;

(c) Governance at the national level should effect intersectoral approaches and recognize that ecosystem services are an essential foundation of national capital;

(d) The green economy needs to be integrated into existing sustainable development processes, including through the creation of new and decent green jobs;

(e) The process of moving toward a green economy should involve labour, farmers, women, non-governmental organizations, indigenous peoples, youth, science, business and regional and local governments, all of whom have a large role to play in a green economy.

### Technology

(a) Development and transfer of green technologies is a main component for making the transformation to green growth. Transfer of technology should be facilitated and made affordable.

### Trade and finance

***"Environmental standards should not be an impediment to market access but should promote trade and market access, especially for developing countries and countries with economies in transition."***

(a) Green economy measures must not create trade distortions and must get the incentives for investment and trade right;

(b) Pricing policies to promote sustainable consumer behaviour are appropriate, but pro-poor safeguards are required;

(c) Governments alone have insufficient capital to fund and leverage the transformational change required to make the transition to a green economy. The role of the private sector is critical;

(d) Financial mechanisms should be streamlined and not impose unnecessary requirements on developing countries or countries with economies in transition;

(e) Who will pay for the transition to the green economy? Funding will be derived from national budgets, official development assistance, foreign direct investment, the private sector, or a combination of all;

(f) Developed countries should honour their commitments.

### Creating jobs and building capacity

(a) Building the capacity (both human and institutional) of developing countries and countries with economies in transition to take advantage of existing technological solutions and financial support for moving toward a green economy is a challenge;

(b) Awareness raising and communication should be targeted to the public for the purpose of driving political change.

### Opportunities

***"The financial and climate crises are one and the same.***

***The green economy is the way out."***

The current economic crisis, in the context of climate change and the energy, water and food crises, provides a unique opportunity for a fundamental restructuring of economies so that they encourage and sustain green energy, green growth and green jobs.

While some countries view the green economy as an opportunity to invest in natural capital as a means to get out of the current financial crisis, others view the green economy as an opportunity to reinvigorate international efforts to achieve sustainable development and poverty alleviation.

The move toward a green economy provides a crucial window of opportunity to draw women into the formal economy and capture previously untapped resources.

Environment and economic policies are complementary; we need to use regulated market mechanisms to promote new and innovative investments in green technology; solutions and incentives should be attuned to each country's potential and limitations in terms of energy availability, wealth and natural resources.

**Governance**

(a) The economic crisis puts the State in a position where it is imperative to develop regulation that will cause markets to promote the transition to a green economy. This will require a strong leadership role for Governments;

(b) The move toward a green economy raises the possibility of strengthening the current international environmental architecture or transforming it to respond to multiple challenges and opportunities.

**Technology**

(a) Many economic recovery and stimulus packages are already addressing a shift to a green economy. Such packages should contain viable components to promote North-North, North-South and South-South cooperation on technological innovation and technology transfer;

(b) Investment in ecological infrastructure is a win-win move;

(c) Technological solutions for business in the area of energy and efficient use of natural resources should be supported through incentives and broader deployment of technologies;

(d) Rapid urbanization forces a renewed look at green transport, recycling and waste management.

**Trade and finance**

***"We need to learn to count carbon and value biodiversity"***

(a) Turn "carbon" subsidies into "green" incentives. Incentives to join in the green economy must be created and promoted, in particular with respect to the poor. The green economy must be open to all;

(b) Enormous economic, social and environmental benefits are likely to arise from combating climate change and investing in green economic sectors. Benefits range from payment for sound ecosystem management to new green jobs in clean technology, energy, sustainable agriculture and conservation-based enterprises;

(c) New financial mechanisms, such as an expanded and more accessible Clean Development Mechanism, may motivate developing countries and countries with economies in transition to green their economies;

(d) "REDD[57] is GREEN!";

(e) Clean energies offer income generation and clean development opportunities. For example, microfinance for household solar panels enables surplus household energy to be sold for income generation.

**Creating jobs and building capacity**

(a) Greening the economy can provide a new engine for economic growth through the creation of decent green jobs. Such a shift would help raise the skills and value of the labour force through investment in education systems, knowledge and skills development and the creation of national green networks;

[57] REDD stands for reducing emissions from deforestation and forest degradation.

(b) South-south dialogue on successful green programmes and projects opens a wealth of knowledge transfer possibilities;

(c) Common awareness and communication packages on the green economy can be used to build national capacities. Women, as custodians of natural resources, must be recognized in capacity-building initiatives.

**Messages**

***"This is the biggest crisis for many generations, but no generation has been so well suited to face it."***

Moving toward a green economy is overwhelmingly recognized as a means of delivering multiple benefits for the international community and all nations in addressing food, energy, water security and climate change. It is seen as an effective response to the financial crisis that can ultimately result in the achievement of the Millennium Development Goals.

At the same time, there is a need to continue to study further the concept of the green economy, in particular as it relates to developing countries and countries with economies in transition.

**Governments**

(a) The possible political risks of a green new deal would be reduced if people were convinced of their long-term security in a green economy, which promotes work, health and wealth;

(b) Governments must establish the right frameworks and incentives that will facilitate the transition to a green economy;

(c) A society well informed of the benefits of a green economy would exert the necessary public pressure on policy makers for the success of a green economy. Considerable efforts must be deployed to reach out to the public;

(d) Financial stimulus packages should include investment in the transition to a green economy, creating new jobs and technologies and promoting sustainable development;

(e) There is a need to integrate the transition to a green economy into development processes and programmes, stimulating over time a transformative overhaul of the economy to a low-carbon one;

(f) Ministers of environment should increasingly be involved in economic decision-making, influencing policy decisions along with ministers of finance, development, trade, planning, agriculture and tourism;

(g) Women and children should benefit from the transition to a green economy and must not suffer from any negative aspects of such a transition.

**United Nations system**

(a) The United Nations system should work with the Bretton Woods institutions and development banks to coordinate efforts at the international and national levels to help countries effectively to tackle the challenges of food, energy and water security and climate change in a holistic fashion through the transition to a green economy;

(b) The Commission on Sustainable Development at its seventeenth session should promote the global green economy by, among other things, recommending relevant policies to enhance the transition to such an economy in terms of land use, agriculture and rural development through efforts that address drought and desertification, in particular in Africa;

(c) Capacity-building and technology support -- through the implementation of the Bali Strategic Plan for Technology Support and Capacity-building -- should be provided by the United Nations system, including UNEP, to enable developing countries and countries with economies in transition to participate fully in the green economy;

(d) UNEP should formulate a set of targeted green economy choices for immediate consideration by Governments and other stakeholders and should assist with their implementation;

(e) The time is right. The move toward a green new deal and a green economy provides an opportunity to better integrate existing economic and environmental regimes;

(f) UNEP should assist developing countries and countries with economies in transition to move toward a green economy and to exploit synergies among multilateral environmental agreements in their implementation of such agreements;

(g) UNEP should facilitate debate in different forums, including the United Nations General Assembly, the United Nations Economic and Social Council and regional economic groups, on the transition to a global green economy;

(h) UNEP should facilitate interaction and cooperation of ministers of environment with ministers of finance, development, trade, agriculture and tourism to enhance the transition to a green economy.

**Group of Eight, Group of Twenty and other key international forums**

(a) The transition to a green economy is a means of responding to various global challenges, including the financial crisis, in a manner that will produce wealth, create new decent green jobs and provide multiple other environmental and development benefits;

(b) Decisions must be made that contribute to the creation of the right conditions for stimulating private sector investment in the green economy in developed and developing countries and countries with economies in transition;

(c) Policies are needed that will encourage the financial sector and markets to invest in the green economy;

**Civil society, including the private sector**

(a) Civil society and the private sector can effectively promote the right environment and incentives required to encourage investment in the transition to a green economy;

(b) Civil society can take an active part in raising the awareness of the general public on the benefits of a green economy through education and developing and providing targeted information to raise public awareness in various sectors;

(c) Civil society and the private sector can promote the expansion of access to financing in order to create opportunities for the transition to a green economy, in particular in developing countries and countries with economies in transition;

(d) There are emerging opportunities for the private sector to invest significantly in the green economy, in particular in the transport sector and clean technologies.

*"If everybody takes the risk then there is no risk. We should simultaneously launch our efforts to establish a green economy."*

## Theme II: International environmental governance: help or hindrance? – international environmental governance from a country perspective

### Challenges

*"The proposed Rio+20 summit provides an opportunity to put a full package on international environmental governance reform on the table for finalization by 2012."*

Over the past decades Governments have seen many rounds of debate and many starts and stops in the effort to strengthen international environmental governance. Inconclusive results so far are a source of frustration and concern. A reformed or enhanced environmental governance system that is better able to respond to an ever-changing world situation faces many challenges.

(a) What would be needed to reach agreement on a political statement on the goals and objectives of international environmental governance by 2012? How can we reach agreement on a full package on international environmental governance reform by that time?;

(b) How should the next three years, leading up to a possible conference in 2012, timed to commemorate the twentieth anniversary of the United Nations Conference on Environment and Development ("Rio+20"), be used to define a new paradigm for collective action and to ask questions about the desired future and ways of achieving the principles and objectives of international environmental governance?;

(c) Can the current regime of international environmental governance be reformed or do we need a new regime? There may be a need for a stronger or improved regime, for example a world environment organization, with carrots and sticks to help steer sustainable development. Alternatively, will strengthening the current system suffice?;

(d) The way financial resources flow through the system is an important part of any reform of international environmental governance. Any new regime would need incentives to ensure coordination. Funding may be the key;

(e) The lack of coherence in current international environmental governance is felt strongly at the national level and affects the coherence of countries' own national governance. A reformed system of international environmental governance should be more responsive to, and better assist in improving, national environmental governance;

(f) Lack of trust between developed and developing countries and countries with economies in transition is an impediment to international environmental governance;

(g) Incoherence and complexity in the international environmental governance system can lead to high transaction costs, discouraging in some cases participation in the system by developing countries and countries with economies in transition;

(h) The challenges today are greater than they were thought to be 17 years ago at the United Nations Conference on Environment and Development, but today we also have greater expectations;

(i) The process of strengthening international environmental governance should be multi-thematic (encompassing, for example, environment, agriculture, and development) and based on

fairness, equity and the full participation of stakeholders and rights holders, including women and indigenous peoples' groups;

(j) How do we develop an international environmental governance system that encourages developed countries to honour their commitments regarding official development assistance?;

(k) Adequate and predictable funding is a very important part of strengthening international environmental governance;

(l) It is important to define the role of UNEP in a reformed international environmental governance structure, including the balance between its normative and operational functions. It is likewise important to define the role of the UNEP Governing Council versus the role of the General Assembly in the international environmental governance debate itself. Should UNEP have a role in reviewing the multilateral environmental agreement system to identify what is and is not working?;

(m) We need a governance system that matches the issues that are emerging and that takes into account the interconnected nature of environmental challenges from ecosystem services to climate change and the inter-connectedness of environment and development.

**Opportunities**

***"We must rethink the whole international environmental governance process and have a shared vision of international environmental governance: we must think big, we must make a difference."***

Governments and other members of the international community recognize that the current system of international environmental governance is fragmented and requires coherence. That recognition gives stakeholders an opportunity to break the current impasse on the way forward and to build a common vision for reform in the context of processes on international environmental governance reform that are taking place in both Nairobi and New York, recognizing that decisions will be taken by the General Assembly. There is a need to review and rethink international environmental governance, taking into account the principle of common but differentiated responsibilities.

Grounding the reform process in a context of sustainable development provides opportunities to develop an environmental governance system that incorporates the three pillars of sustainable development: economic growth, social development and environmental protection.

(a) The time is right. The move toward a green new deal and green economy provides an opportunity to integrate better the existing regimes;

(b) Strengthening international environmental governance should take into account paragraph 169 of the 2005 Millennium Summit outcomes;

(c) For the first time in many years there is a chance to make headway on international environmental governance through climate change negotiations. There is an opportunity to build trust in Copenhagen that can be taken forward to a proposed Rio+20 conference;

(d) The collaboration between the chemicals and hazardous waste conventions[58] provides an excellent example of how to achieve greater synergies between multilateral environmental agreements;

(e) Making use of existing institutions and ensuring their effectiveness and efficiency should be part of the enhancement of international environmental governance and may result in significant gains;

[58] The Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants.

(f) UNEP, as the leading global environmental authority, should set and spearhead the global agenda for sustainable development and promote coherent implementation of the environment dimensions of sustainable development;

(g) There is support for strengthening the international environmental governance system within the framework of the United Nations and recognition that there is a need to upgrade UNEP, particularly in terms of its ability to assist countries in the implementation of multilateral environmental agreements;

(h) There are excellent opportunities for south-south cooperation in addressing governance at the national level;

(i) Reinforcing UNEP regional offices is important in order for UNEP to strengthen further its support to member States;

(j) We need strategies that focus not only on the green economy but also on social and health strategies. We need a strengthened role of all major groups in the new green economy. We need strategies that can reach the grass-roots level.

**Messages for international environment governance**

There is a strongly held view that meaningful progress on reforming international environmental governance should be based on an understanding that "form must follow function". Sustainable development should underpin efforts to reform international environmental governance. Reform should take into account both the strengths and weakness of the existing system.

***"IEG is neither a help nor a hindrance – it is an imperative."***

**Governments**

***"The time has come to explore more ambitious steps."***

(a) The status quo is not acceptable and there is a necessity to demonstrate boldness and to think big on the issue of international environmental governance reform;

(b) Countries have become more united in the desire to move forward, noting the deficit in implementation;

(c) It is important to bring high-level political guidance back into the international environmental governance discussion and to set clear milestones in the next three years leading up to the proposed Rio+20. It is emphasized that there is a need to make a fresh start in the discourse and to inspire a new generation of thinkers to achieve sustainable development and an international environmental governance system to deliver on it;

(d) We need to use the next three years before a possible Rio+20 to define a new paradigm for collective action and to ask questions about the desired future and ways of achieving the principles and objectives of international environmental governance;

(e) The current international environmental governance system either cannot meet – or has problems in meeting – the development challenges that we face today. Reform should be built on broadening the mandate of international environmental governance to include sustainable development at its core; reforms should strengthen the integration of environment into the broader development agenda and the ability of countries to meet both their environment and development objectives;

(f) Strengthening the current system offers many opportunities to improve international environmental governance and should be part of the discussion;

(g) Ministers of environment, foreign affairs and finance and heads of Governments must work together if there is to be effective progress on international environmental governance.

**United Nations system**

***"The engine of change will come from the national level."***

(a) The conclusions of the co-chairs of the informal consultations of the General Assembly on the institutional framework for the United Nations environment work were noted. There is support for the Council/Forum to play a constructive role and to provide input to the General Assembly on moving forward to improve international environmental governance;

(b) There is a strongly held view that the Bali Strategic Plan for Technology Support and Capacity-building should be fully implemented;

(c) There is wide support for the need to strengthen UNEP, including through strengthening its regional presence. UNEP, as the leading global environmental authority in the United Nations system, should be strengthened and given the necessary resources to fulfil its role;

(d) There is an opportunity to strengthen the role of the Global Ministerial Environment Forum and build on the high level of participation in its sessions by ministers as a means of influencing the United Nations General Assembly on environmental issues;

(e) While there is a need for ambitious approaches we should seize immediate opportunities to reform international environmental governance;

(f) There is scope for change and improvement of the existing system. There is a need for greater coordination and coherence, especially in the implementation of decisions. Many aspects of the current system, however, are working and serving countries well;

(g) Agreed international principles and goals can concentrate efforts for effective implementation. An integrated overview of these can be a foundation for the strengthening of the international environmental governance system.

**Civil society, including the private sector**

(a) All major stakeholders have a role to play and can actively contribute to efforts to strengthen international environmental governance.

***"The world is changing and international environmental governance reform must keep up with this changing context."***

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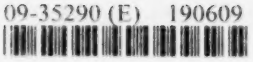

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